



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 46]
No. 46]

नई दिल्ली, शनिवार, नवम्बर 14, 1987/कार्तिक 23, 1909
NEW DELHI, SATURDAY, NOVEMBER 14, 1987/KARTIKA 23, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय
(राजभाषा विभाग)

नई दिल्ली, 12 अगस्त, 1987

का. आ. 3163.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) अधिनियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में जल भूतल परिवहन मंत्रालय को, जिनके कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या 12022/4/87-रा. भा. (ख-2)]

MINISTRY OF HOME AFFAIRS
(Department of Official Language)
New Delhi, the 12th August, 1987

S.O. 3163.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official purposes of the Union) Rules 1976, the Central Government hereby noti-

fies the Ministry of Surface Transport, the Staff whereof have acquired a working knowledge of Hindi.

[No. 12022/4/87-OL(B-II)]

का. आ. 3164.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) अधिनियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में कल्याण मंत्रालय को, जिनके कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या 12022/6/87-रा. भा. (ख-2)]

डा. राजेन्द्र सिंह कुशवाहा, उप निदेशक
(कार्यान्वयन)

S.O. 3164.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Ministry of Welfare, the staff whereof have acquired a working knowledge of Hindi

[No. 12022/6/87-OL(B-II)]

DR. RAJENDRA SINGH KUSHWAHA, Dy. Director
(Implementation)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 14 सितम्बर, 1987

आयकर

का. आ. 3165.—इस कार्यालय की दिनांक 16-7-1986 की अधिसूचना सं. 6815 (फा. सं. 203/73/86—आ. का. नि—II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए “संगम” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (i) यह कि लाल चन्द एग्रो रिसर्च इंस्टीट्यूट, नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।
- (ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त “संगम” अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरोक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष-कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष-कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

“लाल चन्द एग्रो रिसर्च इंस्टीट्यूट, फ्लैट नं. 4 एवं 5 कार्मार्शियल कॉम्प्लेक्स, ग्रेटर कैलाश-II, चिराग दिल्ली रोड, नई दिल्ली-110048”।

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7522 (फा. सं. 203/18/87-आ. क. नि-II)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 14th September, 1987

INCOME-TAX

S.O. 3165.—In continuation of this Office Notification No. 6815 (F. No. 203/73/86-ITA.II) dated 16-7-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five One Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category “Association” subject to the following conditions:

- (i) That the Lal Chand Agro Research Institute, New Delhi, will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets, liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Lal Chand Agro Research Institute, Flat No. 4 & 5, Commercial Complex, Greater Kailash-II, Chirag Delhi Road, New Delhi-110048.”

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7522 (F. No. 203/18/87-ITA-II)]

नई दिल्ली, 23 सितम्बर, 1987

आयकर

का. आ. 3166.—इस कार्यालय की दिनांक 3-11-87 की अधिसूचना सं. 4292 (फा. सं. 203/176/81—आ. क. नि—II) के सिलसिले में, सर्वसाधारण को जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड

(ii) (पैतीस/एक/दो) के प्रयोजन के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि हरीलाल जयचन्द दोषी मेडिकल रिसर्च फाउण्डेशन, राजकोट अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संगम" अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था

"हरीलाल जयचन्द दोषी मेडिकल रिसर्च फाउण्डेशन, लालपरी लेक रोड, सौराष्ट्र-360003,"

यह अधिसूचना 1-7-87 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 7548 (फा. सं. 203/95/85-आ.क. नि.-II)]

New Delhi, the 23rd September, 1987
INCOME TAX

S.O. 3166.—In continuation of this Office Notification No. 4202 (F. No. 203/176/81-ITA.) dated 3-11-1981, it is hereby notified for general information that the institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority, for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions:

- (i) That the Harilal Jechand Doshi Medical Research Foundation, Rajkot will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of

their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets, liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.

- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Harilal Jechand Doshi Medical Research Foundation,
Lalpari Lake Road, Rajkot, Saurashtra-360003.

This Notification is effective for a period from 1-7-1987 to 31-3-1989.

[No. 7548 (F. No. 203/95/85-ITA-II)]

नई दिल्ली, 24 सितम्बर, 1987

आयकर

का. आ. 3167 :—इस कार्यालय की दिनांक 10-9-86 की अधिसूचना सं. 6905 (फा. सं. 203/133/86-आ. क. नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि भास्कराचार्य प्रतिष्ठान, पुणे अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संगम" अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा।

आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।
संस्था

“भास्कराचार्य प्रतिष्ठान, 106/6 एराडवाणे गोगेट गैरज के पीछे, पुणे-411004.”

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[या. 7555 (फा.सं. 203/124/87-आ.क.नि.-II)]

New Delhi, the 24th September, 1987

INCOME-TAX

S.O. 3167.—In continuation of this Office Notification No. 6905 (F. No. 203/133/86-ITA.II) dated 10-9-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five|One|Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category “Association”, subject to the following conditions :—

- (i) That the Bhaskaracharya Pratishthana, Pune will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets, liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry approval are to be rejected.

INSTITUTION

“Bhashkaracharya Pratisthana, 106/6, Erandavane, Behind Gogate Garage, Pune-411004.”

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7555(F. No. 203|124|87-ITA-6II)]

आयकर

फा. आ. 3168:—इस कार्यालय की दिनांक 10-4-1985 की अधिसूचना सं. 6191) फा. सं. 203/31/85-आ. नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) (पैतीस/एक/दो) के प्रयोजनों

के लिए “संस्था” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि भारतीय विद्या भवन, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त “संस्थान” अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों को तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

“भारतीय विद्या भवन, बम्बई”

यह अधिसूचना 1-1-1986 से 30-9-88 तक की अवधि के लिए प्रभावी है।

[सं. 7556/फा. सं. (203/192/86-आ.क.नि.-II)]

वाई. के. ब्रह्मा, अवर सचिव

INCOME-TAX

S.O. 3168.—In continuation of this Office Notification No. 191 (F. No. 203|31|85-ITA.II) dated 10-4-1985 is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five|One|Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category Institution, subject to the following conditions :—

- (i) That the Bhartiya Vidya Bhavan, Bombay will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income

and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.

- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Bhartiya Vidya Bhavan, Bombay.

This Notification is effective for a period from 1-1-86 to 30-9-88.

[No. 7556(F. No. 203/192/86-ITA(II))]

Y. K. BATRA, Under Secy.

नई दिल्ली, 28 सितम्बर, 1987

आयकर

का. आ. 3169.—इस कार्यालय की दिनांक 18-12-86 की अधिसूचना सं. 7053 फा. सं. 203/259/86 आ. क. नि.-(II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) (पैंतीस/एक/दो) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :

- (i) यह कि नेशनल हॉस्पिटल एण्ड मेडिकल रिसर्च सेंटर, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था

"नेशनल हॉस्पिटल एण्ड मेडिकल रिसर्च सेंटर,
89-एफ वीर सावरकर रोड, महिम, बम्बई"

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[सं. 7563 (फा. सं. 203/25/87-आ. क. नि.-(II))]

New Delhi, the 28th September, 1987

INCOME-TAX

S.O. 3169.—In continuation of this Office Notification No. 7053 (F. No. 203/259/86-ITA(II)) dated 18-12-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That the National Hospital and Medical Research Centre, Bombay will maintain a separate account of sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

National Hospital and Medical Research Centre, 89-F, Veer Savarkar Road, Mahim Bombay-400016.

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7563 (F. No. 203/25/87-ITA II)]

नई दिल्ली, 29 सितम्बर, 1987

आयकर

का. आ. 3170.—इस कार्यालय की दिनांक 6-1-87 की अधिसूचना सं. 7089 फा. सं. 203/151/85—आ. क. नि. (II) के सिलसिले में सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खंड (ii) (पैंतीस/एक/दो) के प्रयोजनों के लिए

“संगम” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि चक्षु अनुसंधान केन्द्र, मद्रास अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त “संगम” अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन पत्र की एक-एक प्रति प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संगम केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था ।

“चक्षु अनुसंधान केन्द्र 13 कैथेड्रल रोड, मद्रास—600086”

यह अधिसूचना 1-7-1987 से 31-3-90 तक की अवधि के लिए प्रभावी है।

[सं. 7564 (फा. सं. 203/100/87-आ. क. नि.-II)]

New Delhi, the 29th September, 1987

INCOME-TAX

S.O. 3179.—In continuation of this Office Notification No. 7089 (F. No. 203/151/85-ITA.II dated 6-1-1987, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category “Association” subject to the following conditions :—

- (i) That the Eye Research Centre, Madras, will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their

income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.

- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Eye Research Centre, 13, Cathedral Road, Madras-600086.

This Notification is effective for a period from 1-7-1987 to 31-3-1990.

[No. 7564 (F. No. 203/100/87-ITA II)]

आयकर

का. आ. 3171:—इस कार्यालय की दिनांक की अधिसूचना सं. —————आ. क. नि.-II) के सिलसिले में सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) खंड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि जसलोक अस्पताल एवं अनुसंधान केन्द्र, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और सूचित किया जाए।
- (iii) यह कि उक्त “संस्थान” अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा। तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना पत्र रद्द कर दिया जाएगा।

संस्था

(Department of Economic Affairs)

(Banking Division)

“जसलोक अस्पताल एवं अनुसंधान केन्द्र, 15 डा.
देशमुख मार्ग, बम्बई 1,

New Delhi, the 29th September, 1987

यह अधिसूचना 7-9-87 से 31-3-89 तक की अवधि
के लिए प्रभावी है।

[संख्या 7567 (फा. सं. 203/222/86-आ.क.नि-1)]

रोशन सहाय, अवर सचिव

INCOME-TAX

[No. F. 2-34/87-RRB]

S.O. 3171.—In continuation of this Office Notification No. (F. No. 203) -ITA.II dated is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category Institute subject to the following conditions :—

- (i) That the Jaslok Hospital and Research Centre, Bombay will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority or every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets, liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Jaslok Hospital and Research Centre 15, Dr. C. Deshmukh Marg, Bombay.

This Notification is effective for a period from 7-9-87 to 31-3-89.

[No. 7567 (F. No. 203/222/86-ITA II)]

ROSHAN SAHAY, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 29 सितम्बर, 1987

का. आ. 3172.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री एम. जी. एम. राजू को गुडगांव ग्रामीण बैंक, गुडगांव का अध्यक्ष नियुक्त करती है तथा 10-8-87 से प्रारम्भ होकर 31-8-90 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री राजू अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ. 2-34/87—आर. आर. बी.]

S.O. 3172.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri S.G.S. Raju as the Chairman of the Gurgaon Gramin Bank, Gurgaon and specifies the period commencing on the 10-8-87 and ending with the 31-8-90 as the period for which the said Shri Raju shall hold office as Chairman.

का. आ. 3173.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री पी. बी. आर. हेगडे को, जिनकी धारा 11 की उपधारा (1) के तहत मालाप्रभा ग्रामीण बैंक, धारवाड़ के अध्यक्ष के रूप में नियुक्ति की तीन वर्ष की पहली अवधि 31-7-87 को समाप्त हो गई है, 1-8-87 से प्रारम्भ होकर 31-7-90 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ. 2-36/87—आर. आर. बी.]

S.O. 3173.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri P.B.R. Hegde whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired on 31-7-87 as the Chairman of Malaprabha Gramina Bank, Dharwad for a further period commencing from 1-8-87 and ending with 31-7-90.

[F. No. 2-36/87-RRB]

का. आ. 3174.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री जे. पी. सिंह को, जिनकी धारा 11 की उपधारा (1) के तहत महाकौशल ग्रामीण बैंक, नरसिंहपुर के अध्यक्ष के रूप में नियुक्ति की तीन वर्ष की पहली अवधि 31-3-87 को समाप्त हो चुकी है, 1-4-87 से प्रारम्भ होकर 31-12-87 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ. 2-28/85—आर. आर. बी.]

S.O. 3174.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri J. P. Singh whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired on 31-3-87 as the Chairman of Mahakaushal Gramin Bank, Narsingpur for a further period commencing from 1-4-87 and ending with 31-12-87.

[No. F. 2-28/85-RRB]

नई दिल्ली, 19 अक्टूबर, 1987

का.आ. 3175:—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार श्री एच.डी. पारीख को जिनकी धारा 11 की उपधारा (1) के तहत फर्रुखाबाद ग्रामीण बैंक, फर्रुखाबाद के अध्यक्ष के रूप में नियुक्ति की तीन वर्ष की पहली अवधि 31-8-87 को समाप्त हो गई है, 1-9-87 से प्रारम्भ होकर 31-12-87 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ. 2-40/87-आर.आर.बी.]

New Delhi, the 19th October, 1987

S.O. 3175.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri H. D. Parikh whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired on 31-8-87 as the Chairman of Farrukhabad Gramin Bank, Farrukhabad for a further period commencing from 1-9-87 and ending with 31-12-87.

[No. F. 2-40/87-RRB]

का.आ. 3176:—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार डा. उमेश राय को जिनकी धारा 11 की उपधारा (1) के तहत गिरिडीह क्षेत्रीय ग्रामीण बैंक, गिरिडीह के अध्यक्ष के रूप में नियुक्ति की तीन वर्ष की पहली अवधि 30-6-87 को समाप्त हो गई है, 1-7-87 से प्रारम्भ होकर 31-12-87 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ. 2-41/87-आर.आर.बी.]

प्रवीण कुमार तेजयान, अवर सचिव

S.O. 3176.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Dr. Umesh Rai whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired 30-6-87 as the Chairman of Giridih Kshetriya Gramin Bank, Giridih for a further period commencing from 1-7-87 and ending with 31-12-87.

[No. F. 2-41/87-RRB]

P. K. TEJYAN, Under Secy.

वाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

नई दिल्ली, 13 अक्टूबर, 1987

आदेश

का. आ. 3177.—मैसर्स कपूर एयर प्रोडक्ट्स प्राइवेट लि., 99, हरदयान सिंह रोड, करौलबाग, नई दिल्ली को मुक्त विदेशी मुद्रा के अंतर्गत पूंजीगत माल के आयात के लिए 13,08,600/रु. (यूएस डालर 104,878) का

आयात लाईसेंस संख्या पी/सी./जी. 2099228/सी/एक्स एम्स/96/एच/85-सी जी-3, दिनांक 31-7-85 को दिया गया था। फर्म ने इस आधार पर कि लाईसेंस की मूल सीमा शुल्क प्रयोजन प्रति एवं विनिमय नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है, उपर्युक्त आयात लाईसेंस की सीमाशुल्क प्रयोजन प्रति एवं विनिमय नियंत्रण प्रति की अनुविधि प्रति के लिए आवेदन किया है। आगे यह भी कहा गया है कि लाईसेंस किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं कराया गया है और उसका बिल्कुल भी उपयोग नहीं किया गया है।

2. अपने तर्क के समर्थन में नोटरी पब्लिक, दिल्ली के सम्मुख विधिवत शपथ लेकर स्टाम्प पेपर पर एक शपथ-पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि मूल आयात लाईसेंस सं. पी./सी.जी./2099228 दिनांक 31-7-86 फर्म द्वारा खो गया अथवा अस्थानस्थ हो गया है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 10-8-81 की उपधारा 9 (गग) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैं, कपूर एयर प्रोडक्ट्स प्राइवेट लि., करौलबाग, नई दिल्ली को जारी आयात लाईसेंस सं. पी. सी. जी. 2099228 दिनांक 31-7-85 की दोनों प्रतियां एतद्वारा रद्द की जाती हैं।

3. पार्टी की उक्त लाईसेंस की अनुविधि प्रतियां अलग अलग से जारी की जा रही हैं।

[फा. सं. सी.जी. 3/1496/19/84-85/611]

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 13th October, 1987

ORDER

S.O. 3177.—M/s. Kapoor Air Products Pvt. Ltd., 99, Hardiayan Singh Road, Karol Bagh, New Delhi, were granted an import licence No. P/CG/2099228[C/XX/96]/H/85-CG.III dated 31-7-85 for Rs. 13,08,600 (US \$ 104,878) for import of capital goods under Free Foreign Exchange. The firm have applied for issue of duplicate copies of Customs Purpose Copy and Exchange Control Copy of the above import licence on the ground that the original Customs Purpose Copy as well as Exchange Control Copy of the licence have been misplaced/lost. It has further been stated that the licence has not been registered with any customs authority and utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public at Delhi. I am accordingly satisfied that the original import licence No. P/CG/2099228 date 31-7-85 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(CC) of the Import (Control) Order, 1955 dated 10-8-81 as amended the said both copies of import licence No. P/CG/2099228 dated 31-7-85 issued to M/s. Kapoor Air Products Pvt. Ltd., Karol Bagh, New Delhi, is hereby cancelled.

3. Duplicate copies of the said import licences are being issued to the party separately.

[F. No. CG.III/1496/19/84-85/611]

नई दिल्ली, 28 अक्टूबर, 1987

आदेश

का. आ. 3178.—मैसर्स भारत हेवी इलेक्ट्रीकल्स लिमिटेड, हरिद्वार (उ. प्र.) को स्वतंत्र विदेशी मुद्रा के अधीन 71,39,000 (इकहत्तर लाख उन्नालिस हजार रुपये मात्र) मूल्य के स्पेशल रोलर कोटर इत्यादि के संलग्न सूची के अनुसार आयात के लिए यू. एम. एस. आर. को छोड़कर जो कि भारतीय रुपये के मद्दे होगा, आयात लाईसेंस सं. आई./सी. जी./2041642 दिनांक 10-6-1986 जारी किया गया था।

2. फर्म ने उपर्युक्त लाईसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि लाईसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो अथवा अस्थानस्थ हो गई है। आगे यह भी कहा गया है कि लाईसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्राधिकारी, बम्बई के पास पंजीकृत थी और इस तरह से सीमा शुल्क प्रयोजन प्रति के मूल्य का बिल्कुल भी उपयोग नहीं किया गया है।

3. अपने तर्क के समर्थन में लाईसेंसधारक ने नोटरी पब्लिक, हरिद्वार के सामने विधिवत शपथ लेकर स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि मूल सीमाशुल्क प्रयोजन लाईसेंस प्रति सं. 2041642 दिनांक 10-6-1986 फर्म द्वारा खो अथवा अस्थानस्थ हो गई है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की उपधारा 9 (गग) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैसर्स भारत हेवी इलेक्ट्रीकल्स लिमिटेड, हरिद्वार को जारी किए गए मूल सीमा शुल्क प्रयोजन प्रति सं. 2041642 दिनांक 10-6-1986 को एतद्वारा रद्द किया जाता है।

4. उक्त लाईसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है।

[सं. सी. जी. 2/एच. आई. 24/85-86/622]

पाल बैंक, उप मुख्य नियन्त्रक, आयात निर्यात
कृते मुख्य नियंत्रक, आयात-निर्यात

New Delhi, the 28th October, 1987

ORDER

S.O. 3178.—M/s. Bharat Heavy Electricals Ltd., Hardwar (U.P.) 249403 were granted an import licence No. I/CG/2041642 dated 10-6-1986 for Rs. 71,39,000 (rupees Seventy One Lakhs & Thirty Nine Thousand only) for import of special roller coater etc. as per list attached under free foreign exchange except import from USSR which will be against Indian Rupee.

2. The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the Licence was registered with Bombay Customs. Authority and as such the value of Customs Purpose copy has not been utilised at all. 87/1498 GI-2.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Hardwar. I am accordingly satisfied that the original Customs Purposes copy of import licence No. 2041642 dated 10-6-1986 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy No. 2041642 dt. 10-6-86 issued to M/s. Bharat Heavy Electricals Ltd., is hereby cancelled.

4. A duplicate Customs Purposes copy of the said licence is being issued to the party separately.

[No. CGII/HI-24/85-86/622]

PAUL BECK, Dy. Chief Controller of Imp. & Exp.
for Chief Controller of Imports & Exports.

उद्योग मंत्रालय

(कंपनी कार्य विभाग)

नई दिल्ली, 2 नवम्बर, 1987

का. आ. 3179.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुमरण में केन्द्रीय सरकार एतद्वारा मैसर्स जेनिथ कर्मागियल एजेन्सीज प्राइवेट लिमिटेड, जिसका पंजीकृत कार्यालय केवल नगर स्टेशन अलनिया, जिला कोटा, राजस्थान के कथित अधिनियम के अंतर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 1476/79) के निरस्तीकरण को अधिसूचित करती है। उक्त उपक्रम उन उपक्रमों में से है जिन पर उक्त अधिनियम के भाग "क" अध्याय-3 के उपबन्ध अब लागू नहीं होंगे।

[सं. 16/12/86 - एम.-3]

एल. सी. गोयल, अवर सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 2nd November, 1987

S.O. 3179.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Zenith Commercial Agencies Private Limited having its registered office at Cable-nagar, Station Alnia, District Kota, Rajasthan, the said undertakings being undertakings to which the provisions of Part A, Chapter III of the said Act no longer apply. (Registration No. 1476/79).

[No. 16/12/86-M. III]

L. C. GOYAL, Under Secy.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 16 अक्टूबर, 1987.

शुद्धि-पत्र

का. आ. 3180.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 2 मई, 1987 को पृष्ठ 1664 पर प्रकाशित, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग)

की अधिसूचना का.आ. सं. 1139, तारीख 16 अप्रैल, 1987 में,—

पृष्ठ 1664 पर—

(1) अनुसूची के क्र. सं. 4 में ग्राम का नाम स्तम्भ के नीचे “तिरवांजा मोकामा” के स्थान पर “तिरवांजा मोकासा” पढ़ें।

(2) सीमा वर्णन में—

(i) “क-ख” में—“ऐराई नदी” के स्थान पर “ईरई नदी” पढ़ें और जहाँ-जहाँ यह शब्द प्रयुक्त किया गया है, वहाँ “ईरई नदी” पढ़ें।

(ii) “ग-घ” में, “रेखा तिरवांजा चाक” के स्थान पर “रेखा तिरवांजा चाक” पढ़ें।

(iii) “ड-च” में “बिन्दु “च” के स्थान पर “बिन्दु “च” पढ़ें।

[फा. सं. 43015/1/87—सी.ए.]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 16th October, 1987

CORRIGENDUM

S.O. 3180.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) S. O. No. 1139 dated the 16th April 1987 published at pages 1664 to 1665 of the Gazette of India, Part-II, Section 3, sub-section (ii) dated the 2nd May, 1987 at page 1665 in the boundary description :

for “D-F”, read “D-E” and ;

for “and meets at point F”, read “and meets at point E”.

[No. 43015/1/87-CA]

शुद्धि-पत्र

का.आ. 3181.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 2 मई, 1987 को पृष्ठ 1660 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का.आ.सं. 1136, तारीख 16 अप्रैल, 1987 में,—

पृष्ठ 1660 पर—

(1) आरम्भ में “का. आ. 1126” के स्थान पर “का. आ. 1136” पढ़ें।

(2) तीसरे पैरे में, —“रेखांक सं. सी. 1(ई)/111/जे आर/370-1186 का निरीक्षण वेस्टर्न कोलफील्ड्स” के स्थान पर “सं. सी. 1(ई)/111/जेजेआर/370-1186 का निरीक्षण वेस्टर्न कोलफील्ड्स” पढ़ें।

(3) अनुसूची के क्र. सं. 3 में, “ग्राम का नाम” स्तम्भ 2 के नीचे “पिपलगांव के स्थान पर “पिम्पलगांव” पढ़ें। सीमा वर्णन में,—

(1) ख-ग में, “बिन्दु “ग” के स्थान पर “बिन्दु “ग” पढ़ें।

(2) ग-घ में, “बिन्दु “ग” पर मिलती है” के स्थान पर “बिन्दु “घ” पर मिलती है” पढ़ें।

(3) घ-क में “—क रेखांश” के स्थान पर “घ-क रेखा” पढ़ें।

[43015/20/86—सी. ए.]

CORRIGENDUM

S.O. 3181.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) S.O. 1136 dated the 16th April, 1987 published at pages 1660 to 1661 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 2nd May, 1987 at pages 1660,—

(1) for “Whereas it appears to the Central Government that is coal is likely”, read “Whereas it appears to the Central Government that coal is likely”;

(2) in paragraph 2, for “gives notice or its intention to project for coal therein”, read “gives notice of its intention to prospect for coal therein”.

[No. 43015/20/86-CA]

शुद्धि-पत्र

का. आ. 3182.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 2 मई, 1987 को पृष्ठ 1665 से 1666 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का. आ. सं. 1140, तारीख 16 अप्रैल, 1987 में,—

पृष्ठ 1665 पर—

(1) चौथे पैरे में, “उक्त अधिनियम की धारा 15 की उपधारा (7)” के स्थान पर “उक्त अधिनियम की धारा 13 की उपधारा (7)” और “तारीख में नब्बे दिन के भीतर” के स्थान “तारीख से नब्बे दिन के भीतर” पढ़ें।

पृष्ठ 1666 पर—

(2) अनुसूची में,—

(1) “क्रम सं. 22 और 23” में “चिकपल्ली और चिकपल्ली ऊर्फ चक अजयपुर” के स्थान पर क्रमशः “चिकपल्ली और चिकपल्ली ऊर्फ चक अजयपुर” पढ़ें।

(2) क्रम सं. 29 में, “चन्दा रेज” के स्थान पर “चान्दा रेज” पढ़ें।

(3) सीमा वर्णन में, —

रेखा ड-च में, “चन्द्रारेज” के स्थान पर “चन्द्रा रेज” और बिन्दु “ब” पर मिलती है” के स्थान पर “बिन्दु “ब” पर मिलती है” पढ़ें।

[फा. सं. 43015/21/86 — सी. ए.]

एच. सी. गुप्ता, निदेशक

No. 1140 dated the 16th April, 1987, published at pages 1666 to 1667 of the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 2nd May, 1987, at page 1667, in the Schedule,—

(i) in column number 2, serial number 23, for “Chichchalli alias Chak Ajaypur”, read “Chichpalli alias Chak Ajaypur”;

(ii) in column number 6, serial number 17, for “167.28”, read “107.28”.

S.O. 3182.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) S.O.

[No. 43015/21/86-CA]

H. C. GUPTA, Director

खाद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)


भारतीय मानक ब्यूरो

नई दिल्ली, 26 अक्टूबर, 1987

का.आ. 3183. :—भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम (4) के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जिन मानक चिन्हों के डिजाइन उनके शाब्दिक विवरण तथा तत्संबंधी भारतीय मानक के शीर्षक सहित नीचे अनुसूची में दिये गये हैं, वे निर्धारित कर दिये गये हैं।

भारतीय मानक संस्था (प्रमाणन चिन्ह) अधिनियम 1952 और इसके अधीन बने नियमों तथा विनियमों के निमित्त ये मानक चिन्ह दिनांक 1983-02-01 से लागू होंगे।

अनुसूची

क्रम सं.	मानक चिन्ह का डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्संबंधी भारतीय मानक की संख्या और शीर्षक	मानक चिन्ह के डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		टैमफास पायसनीय सांद्र	IS : 8498-1977 टैमफास पायसनीय सांद्र की विशिष्टि	स्तम्भ (2) में दिखाई गई निश्चित शैली और परस्पर सम्बद्ध अनुपात में “ISI” अक्षरयुक्त भारतीय मानक संस्था का मोनोग्राम जिसमें भारतीय मानक की संख्या डिजाइन में दिखाये अनुसार मोनोग्राम के ऊपर अंकित हो।

[सं. सी एम डी / 13 : 9]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 26th October, 1987

S.O. 3183—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks Rules, 1955) the Indian Standards Institution, hereby, notifies that the Standard Mark(s), design of which together with the verbal description of the design and the title of the relevant Indian Standard(s) is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1984-02-01.

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.		Temephos emulsifiable concentrates	IS: 8498—1977 Specification for temephos emulsifiable concentrates	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col (2); the number of the Indian Standard being super-scribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

का. आ. 3184.—भारतीय मानक संस्था (प्रमाणन मुहर) विनियम 1955 के विनियम (7) के उपविनियम (3) के अनुसार भारतीय मानक संस्था एतद्वारा अधिसूचित करती है कि टैमफास पायसनीय सांद्र की मुहर लगाने की प्रति इकाई फीस, जिसका विवरण नीचे अनुसूची में दिये गये हैं, निर्धारित कर दी गई है और यह फीस दिनांक 1 फरवरी 1984 से लागू होगी।

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहरांकन फीस
1.	टैमफास पायसनीय सांद्र	IS : 8498-1977 टैमफास पायसनीय सांद्र की विशिष्टि	100 लीटर	15.00 रुपये

[सं. सी एम डी/13 : 10]

बी.एन. सिंह, अपर महानिदेशक

S. O. 3184.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee per unit for temephos EC details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1984-02-01.

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Temephos emulsifiable concentrates	IS : 8498—1977 Specification for temephos emulsifiable concentrates	100 Litre	Rs 15.00

[No. CMD/13 : 10]

B.N. SINGH, Addl. Director General

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 30 अक्टूबर, 1987

का. आ. 3185.—केन्द्रीय सरकार, केन्द्रीय होम्योपैथी परिषद अधिनियम, 1973 (1973 का 59) की धारा 13 की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद् के परामर्श करने के पश्चात् उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अनुसूची में, मद 3-क और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित मदें और प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

“3-ख आन्ध्र विश्वविद्यालय वाल्टेयर	होम्योपैथिक औषधि और शल्य चिकित्सा में स्नातक (सीधे)	एम.बी.एस. (एच)	1983 से 1985 तक
—यथोक्त—	होम्योपैथिक औषधि और शल्य चिकित्सा में स्नातक (मेडिड डिग्री पाठ्यक्रम)	एम.बी.एस. (एच)	1983 से 1985 तक
—यथोक्त—	होम्योपैथिक औषधि और शल्य चिकित्सा में स्नातक (विशेष अर्हता परीक्षा)	एम.बी.एस. (एच.)	1979 से 1983 तक

3-ग उस्मानिया विश्वविद्यालय, होम्योपैथिक औषधि और शल्य चिकित्सा में एम.बी.एस. (एच.) 1985 से 1988 तक”
हैदराबाद स्नातक

[संख्या बी. 27021/11/82-होम्यो.]

एन.के. पुष्पाकरण, डेस्क अधिकारी (होम्योपैथिक)

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 30th October, 1987

S. O. 3185.—In exercise of the powers conferred by sub-section (2) of Section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government after consulting the Central Council of Homoeopathy, hereby makes the following amendments in the second Schedule of the said Act, namely:—

In the said Schedule, after the item 3 A and the entries relating thereto, the following items and the entries shall be added, namely:—

“3 B	Andhra University Waltair	Bachelor of Homoeopathic Medicine & Surgery (Direct)	MBS(H)	From 1983 to 1985
	-do-	Bachelor of Homoeopathic Medicine & Surgery (Graded Degree Course)	MBS(H)	From 1983 to 1985
	-do-	Bachelor of Homoeopathic Medicine & Surgery (Special Qualifying Exam.)	MBS(H)	From 1979 to 1983
3 C	Osmania University, Hyderabad	Bachelor of Homoeopathic Medicine & Surgery	MBS(H)	From 1985 to 1988”

[No. V. 27021/11/82-Homoeo]

N. K. PUSHPAKARAN, Desk Officer (Homoeo)

नई दिल्ली, 30 अक्तूबर, 1987

का. आ. 3186.—केन्द्रीय सरकार, भारतीय चिकित्सा केन्द्रीय परिषद अधिनियम, 1970 (1970 का 48) की धारा 14 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा केन्द्रीय परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग 1 में “दिल्ली” शीर्षक के अन्तर्गत परीक्षा निकाय, आयुर्वेदिक और यूनानी चिकित्सा पद्धति, दिल्ली से संबंधित क्रम संख्या 14 के सामने, स्तम्भ 2, 3 और 4 में, विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :—

	2	3	4
“आयुर्वेदाचार्य” (औषधि और शल्य चिकित्सा में आयुर्वेदिक स्नातक)	ए.बी.एम.एस.	1975 से 1978 तक	

टिप्पणी :—भारतीय चिकित्सा केन्द्रीय परिषद अधिनियम, 1970 (1970 का 487) की दूसरी अंक सूची का निम्नलिखित द्वारा पश्चात्पूर्ति संशोधन किया गया है :—

1. का.आ. संख्या 4068 तारीख 30 नवम्बर, 1979
2. का.आ. संख्या 2635 तारीख 18 सितम्बर, 1980
3. का.आ. संख्या 2313 तारीख 20 अगस्त, 1981
4. का.आ. संख्या 2314 तारीख 22 अगस्त, 1981
5. का.आ. संख्या 137 तारीख 29 दिसम्बर, 1981
6. का.आ. संख्या 638 तारीख 25 जनवरी, 1982
7. का.आ. संख्या 661 तारीख 2 फरवरी, 1982
8. का.आ. संख्या 973 तारीख 20 फरवरी, 1982
9. का.आ. संख्या 354(अ) तारीख 11 नवम्बर, 1983
10. का.आ. संख्या 3550 तारीख 5 सितम्बर, 1983
11. का.आ. संख्या 804(अ) तारीख 11 नवम्बर, 1983
12. का.आ. संख्या 462(अ) तारीख 23 जून, 1984
13. का.आ. संख्या 1911 तारीख 17 अप्रैल, 1985

14. का.आ. संख्या 2745 तारीख 29 मई, 1985
15. का.आ. संख्या 3404 तारीख 5 जुलाई, 1985
16. का.आ. संख्या 4057 तारीख 14 अगस्त, 1985
17. का.आ. संख्या 5603 तारीख 2 दिसम्बर, 1985
18. का.आ. संख्या 5671 तारीख 5 दिसम्बर, 1985
19. का.आ. संख्या 832 तारीख 17 फरवरी, 1986
20. का.आ. संख्या 1832 तारीख 16 अप्रैल, 1986
21. का.आ. संख्या 627 तारीख 2 जनवरी, 1987
22. का.आ. संख्या 760 तारीख 25 फरवरी, 1987
23. का.आ. संख्या 1030 तारीख 30 मार्च, 1984
24. का.आ. संख्या 1946 तारीख 9 जुलाई, 1987

[सं. वी-26015/8/87-ए ई]

आर.एस. माथुर, अवर सचिव

New Delhi, the 30th October, 1987

S.O. 3186.—In exercise of the powers conferred by sub-section (2) of section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government after consulting the Central Council of Indian Medicine, hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

In Part I of the said Schedule :—

Under the heading "Delhi", against Serial No. 14 relating to Examining Body, Ayurvedic and Unani Systems of Medicine, Delhi in columns 2, 3 and 4, after the existing entries, the following entries shall be inserted, namely :—

2	3	4
"Ayurvedacharya" A.B.M.S. From 1975 to 1978 (Ayurvedic Bechlar of Medicine and Surgery)		

Note.—The Second Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) has been subsequently amended by :—

- (1) S.O. No. 4068 dated the 30th November, 1979.
- (2) S.O. No. 2635 dated the 18th September, 1980.
- (3) S.O. No. 2313 dated the 20th August, 1981.
- (4) S.O. No. 2314 dated the 22nd August, 1981.
- (5) S.O. No. 137 dated the 24th December, 1981.
- (6) S.O. No. 638 dated the 25th January, 1982.
- (7) S.O. No. 661 dated the 2nd February, 1982.
- (8) S.O. No. 973 dated the 20th February, 1982.
- (9) S.O. No. 354(E) dated the 6th May, 1983.
- (10) S.O. No. 3550 dated the 5th September, 1983.
- (11) S.O. No. 804(E) dated the 11th November, 1983.
- (12) S.O. No. 462(E) dated the 23rd June, 1984.
- (13) S.O. No. 1911 dated the 17th April, 1985.
- (14) S.O. No. 2745 dated the 29th May, 1985.
- (15) S.O. No. 3404 dated the 5th July, 1985.
- (16) S.O. No. 4057 dated the 14th August, 1985.
- (17) S.O. No. 5603 dated the 2nd December, 1985.
- (18) S.O. No. 5671 dated the 5th December, 1985.
- (19) S.O. No. 832 dated the 17th February, 1986.
- (20) S.O. No. 1832 dated the 16th April, 1986.
- (21) S.O. No. 627 dated the 2nd January, 1987.
- (22) S.O. No. 760 dated the 25th February, 1987.
- (23) S.O. No. 1030 dated the 30th March, 1987.
- (24) S.O. No. 1946 dated the 9th July, 1987.

[No. V-26015/8/87-AE]

R. S. MATHUR, Under Secy.

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 29 अक्टूबर, 1987

का.आ. 3187.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के विज्ञान और प्रौद्योगिकी विभाग के आदेश सं. का. आ. 1047, तारीख 24 फरवरी, 1976 में निम्नलिखित और संशोधन करते हैं, अर्थात् :—
उक्त आदेश की अनुसूची में—

- (i) भाग 2 साधारण केन्द्रीय सेवा समूह "ग", भारतीय सर्वेक्षण में, क्रम सं. 2 के पद के सामने, स्तम्भ (3) की मद (ii) में, "उप निदेशक/", शब्दों के पश्चात् "प्रबंधक, मानचित्र-चित्रोत्पादन (ज्येष्ठ)"/ शब्द अंतःस्थापित किये जाएंगे ;
- (ii) भाग 2 साधारण केन्द्रीय सेवा समूह "घ" भारतीय सर्वेक्षण में, क्रम सं. 2 के पद के सामने स्तम्भ (2) में और स्तम्भ (3) की मद (i) में "उप निदेशक/", शब्दों के पश्चात् "प्रबंधक, मानचित्र-चित्रोत्पादन (ज्येष्ठ)"/ शब्द अंतःस्थापित किये जाएंगे ।

[सं. एस एम/23/003/86]

एस. के. सेठी, डैस्क अधिकारी

MINISTRY OF SCIENCE & TECHNOLOGY

(Department of Science & Technology)

New Delhi, the 29th October, 1987

S.O. 3187.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the order of the Government of India, Department of Science and

Technology No. S.O. 1047, dated the 24th February, 1976, namely :—

In the Schedule to the said order—

- (i) in part-I General Central Service Group 'C' Survey of India, against the post at Serial No. 2, in item (ii) of column (3), "after the words Deputy Director/", the words "Manager, Map Reproduction (Senior)/" shall be inserted;
- (ii) in part-II General Central Service Group 'D' Survey of India, against the post at Serial No. 2, in column (2) and in item (i) of column (3), after the words "Deputy Director/", the words "Manager, Map Reproduction (Senior)/" shall be inserted.

[No. SM/23/003/86]

S. K. SETHI, Desk Officer

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 अक्टूबर, 1987

का. आ. 3188—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एल एन सी से लिच ई पी एस तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1982 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अर्शते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 31 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एल एन सी से एल एन ए वी से लिच ई पी एस तक पाइपलाइन बिछाने के लिए।

राज्यः—गुजरात जिला और तालुका—मेहसाना

गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
मुदरडा	417	0	06	72
	415	0	01	20
	416	0	15	00
	403	0	10	44

1	2	3	4	5
मुदरडा	401	0	04	44
	399	0	03	36
	399	0	03	36
	398	0	06	36
	397	0	06	72
	396/पी	0	12	96
	396/पी	0	08	76
	395	0	28	58
	394	0	44	40
	392	0	05	20

[सं. O-12016/71/87-ओ एन जी-डी-4]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th October, 1987

S.O. 3188.—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum from LNC to Linch EPS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM LNC TO LNB TO LINCH EPS.

STATE : GUJARAT DISTRICT & TALUKA : MEHSANA

Village	Block No.	Hec-tare	Are Centi-tiare
Mudarda	417	0	06 72
	415	0	01 20
	416	0	15 00
	403	0	10 44
	401	0	04 44
	399	0	03 36
	399	0	03 36
	398	0	06 36
	397	0	06 72
	396/P	0	12 96
	396/P	0	08 76
	395	0	28 58
	394	0	44 40
	392	0	05 20

[No. O-12016/71/87-ONG-(D-4)]

का. आ. 3189.—यतः पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 794 तारीख 11-3-87 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सरकार केन्द्रीय निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वायर बेड से अनोड बेड तक पाइपलाइन बिछाने के लिए।

राज्य:—गुजरात जिला:—मेहसाना तालुका:—बीजापुर

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
अनोडिया	503/4/बी	0	03	12
	503/4/ए	0	01	40

[सं. O-12016/14/87-ओ एन जी-डी-4]

S.O. 3189.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 794 dated 11-3-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM WIRE BED TO ANODE BED

STATE : GUJARAT DISTRICT : MESHSANA
TALUKA : VIJAPUR

Village	Survey No.	Hec- tare	Ac- re	Centi- tiare
Anodia	503/4/B	0	03	12
	503/4/A	0	01	40

[No. O-12016/14/87-ONG-D.4]

का. आ. 3190.—यतः पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1022 तारीख 1-4-87 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वायर बेड से एनोड बेड तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : साबर कंठा तालुका : प्रांतीज

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेन्टीयर
मोयद	937	0	01	54
	936	0	03	60

[स. O-12016/29/87-ओ एन जी-डी-4]

S.O. 3190.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1022 dated 1-4-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM WIRE BED TO ANODE BED
STATE : GUJARAT DISTRICT : SABARKANTHA
TALUKA : PRANTIJ

Village	Block No.	Hec- tare	Are	Centi- tare
Moyad	937	0	01	54
	936	0	03	60

[No. O-12016/29/87-ONG-I 4]

का. आ. 3191.—यत पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. स. 2118 तारीख 15-5-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन के बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

और यत: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है :

87/1498 GI-3.

और आगे, यत: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है,

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है,

और आगे उन धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस. बी. डी. डी. से एस. ओ. बी. सी. टी. एफ. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
जगुदान	1056	0	07	08
	1053/2	0	19	44
कार्ट ट्रेक	1091	0	12	12
कार्ट ट्रेक	1050/1	0	11	62
कार्ट ट्रेक	1050/2	0	10	20
कार्ट ट्रेक	1015	0	02	88
कार्ट ट्रेक		0	04	20

[स. O-12016/65/86-ओ एन जी-डी-4]

S.O. 3191.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 2118 dated 15-5-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances

SCHEDULE

PIPELINE FROM SBDD TO SOB. CTF

STATE : GUJARAT DISTRICT & TALUKA : MEHSANA

Village	Survey No.	Hec-tare	Are	Centiare
Jagudan	1056	0	07	08
	1053/2	0	19	44
	Cart track	0	00	72
	1091	0	12	12
	Cart track	0	00	96
	1050/1	0	11	62
	Cart track	0	01	80
	1050/2	0	10	20
	Cart track	0	02	16
	1015	0	02	88
	Cart track	0	04	20

[No. O—12016/65/86-ONG-D-4]

का. आ. 3192.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे एन डी के से एमएन सी आर से एम एन सी टी एफ तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ;

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए, आक्षेप सभ्य प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुर रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

जे. एन. डी. के. से एमएन सी आर से एम एन सी टी

एफ तक पाईप लाईन बिछाने के लिए

राज्य: गुजरात जिला और तालुका: मेहसाना

गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
कसलपुरा	561	0	05	40
	562	0	12	80
	554	0	07	20
	553	0	06	24
	552	0	14	28
	574	0	04	20
	576	0	05	04
	577	0	05	52
	578	0	04	08

[सं. O—12016/68/87—ओ एन जी-डी-4]

S.O. 3192.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from JNDK to SNCR to NS CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009) ;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM JNDK TO SNCR TO NS CTF

STATE : GUJARAT DISTRICT & TALUKA : MEHSANA

Village	Block No.	Hec-tare	Are	Centiare
Kasalpura	561	0	05	40
	562	0	12	80
	554	0	07	20
	553	0	06	24
	552	0	14	28
	574	0	04	20
	576	0	05	04
	577	0	05	52
	578	0	04	08

[No. O—12016/68/87-ONG-D-4]

का. आ. 3193:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बी एल एच जेड से बी एल एच डब्ल्यू बलोल जी जी एस तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

बी एल एच जेड से बी एल एच डब्ल्यू से बलोल—
जी जी एस तक पाइप लाइन बिछाने के लिए

राज्य: गुजरात जिला और तालुका : मेहसाना

गांव	सर्वे न.	हेक्टर	आर	सेन्टीयर
बलोल	910	0	16	08
	913	0	03	00
	909	0	13	20
	908	0	03	96
	906	0	01	20
	899	0	02	40

[म. ओ.—12016/69/87— ओ एन जी—डी-4]

S.O. 3193.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from BLHZ to BLHW to BALOL GGS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land)

Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009) ;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM BLHZ TO BLHW TO BALOL-GGS
STATE : GUJARAT DISTRICT & TALUKA : MEHSANA

Village	Survey No.	Hec- tare	Are	Centi- tiare
Balol	910	0	16	08
	913	0	03	00
	909	0	13	20
	908	0	03	96
	906/3	0	01	20
	899	0	02	40

[No. O- -12016/69/87-ONG-D-4]

का० आ० 3194:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एल एल ए सी से ई पी एम लिच तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

एलएनएसी से लिचर्ड पी एस तथा पाईप लाइन बिछाने के लिए

राज्य : गुजरात

जिला और तालुका : मेहसाणा

गांव	ब्लॉक नं०	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
मुदरडा	25	0	05	04
	26	0	05	16
	27	0	10	80
	37	0	14	88
	36	0	09	94
	38	0	03	60
	50	0	18	72
	49	0	23	52
	84	0	04	20
	177	0	08	16
	83	0	06	72
	82	0	04	32
	178	0	08	16
	146	0	05	88
	179	0	35	32
	196	0	04	80
	195	0	09	48
	203	0	15	24
	214	0	07	92
	216	0	10	80
	217	0	07	20
	219	0	10	56
	229	0	08	52
	228	0	06	72
	224	0	04	08
	226	0	08	40
	225	0	08	28
	316	0	15	25
	317	0	09	96
	319	0	08	28

[सं० O-12016/70/87-ओएनजी-डी-4]

S.O. 3194.--Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from LNAC to EPS Linch in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent

Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009) :

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner,

SCHEDULE

PIPELINE FROM LNAC TO 1 INCH EPS

State : Gujarat District & Taluca : Mehsana

Village	Block No.	Hectare	Are	Certifi- are
1	2	3	4	5
MUDARDA	25	0	05	04
	26	0	05	16
	27	0	10	80
	37	0	14	88
	36	0	09	94
	38	0	03	60
	50	0	18	72
	49	0	23	52
	84	0	04	20
	177	0	08	16
	83	0	06	72
	82	0	04	32
	178	0	08	16
	146	0	05	88
	179	0	35	32
	196	0	04	80
	195	0	09	48
	203	0	15	24
	214	0	07	92
	216	0	10	80
	217	0	07	20
	219	0	10	56
	229	0	08	52
	228	0	06	72
	224	0	04	08
	226	0	08	40
	225	0	08	28
	316	0	15	25
	317	0	09	96
	319	0	08	28

[No. O-12016 70/87-O-NG-D4]

का० आ० 3195:--यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जे एन एफ से जोटाना-2 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है,

अतः अश्व पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें

उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडादा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जे एन ए एफ से जटाना-2 तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात	जिला और तालुका : मेहसाना			
गांव	ब्लॉक नं०	हेक्टर	आर	सेन्टीयर
सीडोसना	40	0	07	68
	39/1	0	05	52
	39/1	0	08	88
	39/1	0	02	40
	38	0	10	44
	38	0	05	16

[सं. O-12016/72/87-ओ एन जी-डी-4]

S.O. 3195.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from JNAF to JOTANA-2 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM JNAF TO TOTANA-2

State : Gujarat	District & Taluka : Mehsana			
Village	Block No.	Hectare	Ac	Centiare
SILOSANA	40	0	07	68
	39/1	0	05	52
	39/1	0	08	88
	39/1	0	02	40
	38	0	10	44
	38	0	05	16

[N.S. O-12016/72/87-ONG-D-4]

कांथा० 3196.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दीएलजी जैड से जी एन ए जैड तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिटाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपधारा का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडादा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

जी एल जी जैड से बलान जी जी एम तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात	जिला और तालुका : मेहसाना			
गांव	ब्लॉक नं०	हेक्टर	आर	सेन्टीयर
ममानपुरा	29	0	01	68
	44	0	02	04
	43	0	09	24
	45	0	03	36
	46	0	02	76
	47	0	05	88
	48	0	07	56
	53	0	01	20

[सं. O-12016/73/87-ओ एन जी-डी-4]

S.O. 3196.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from BLGZ to BLHE in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an object shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM BLGZ TO BALOL GGS

State : GUJARAT District & Taluka : MEHSANA

Village	Survey No.	Hectare	Are	Centiare
GAMANPURA	29	0	01	68
	44	0	02	04
	43	0	09	24
	45	0	03	36
	46	0	02	76
	47	0	05	88
	48	0	07	56
	53	0	01	20

[No. O-12016/73/87-ONG.D4]

का० आ० 3197. —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस एन वाई से एस एम सी टी एफ तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

एस एन वाई से एस एम सी टी एफ तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात

जिला और तालुका : मेहसाना

गांव	ब्लॉक नं०	हेक्टर	आर	सेन्टीयर
कसलपुरा	508	0	06	38
	514	0	06	48
	543	0	10	00
	556	0	03	60

[सं० O-12016/74/87-ओ एन जी-डी-4]

S.O. 3197.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNY to SSCTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara. (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM SNY TO SSCTF

State : Gujarat District & Taluka : MEHSANA

Village	Block No.	Hectare	Are	Centiare
KASALPURA	508	0	06	38
	514	0	06	48
	543	0	10	00
	556	0	03	60

[No. O-12016/74/87-ONG-D-4]

का० आ० 3198. —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बी एल जी झेड से बी एल एच ई तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणव्य एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

बीएलजीजेड से बीएलएचई तक पाइपलाइन बिछाने के लिए।
राज्य-गुजरात जिला और तालुका—मेहसाना

गाँव	सर्वे नं०	हेक्टर	आर	सेन्टी- यर
मीठा	445	0	06	60

[सं० ओ०-12016/75/87-ओ०एन०जी०-डी०-4]

S.O. 3198.—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum from BLGZ to BLHE in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission,

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara, (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM BLGZ TO BLHE

State : GUJARAT		District & Taluka : MEHSANA		
Village	Survey No.	Hectare	Ac	Centiare
MITHA	445	0	06	60

[No. O-12016/75/87-ONG-D-4]

का० आ० 3199 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का० आ० सं० 2450 तारीख 23-6-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एम० एन० बी० जे० से एम० एम० सी० टी० एफ० तक पाइपलाइन बिछाने के लिए।

राज्य—गुजरात जिला और तालुका—मेहसाना

गाँव	ब्लाक नं०	हेक्टर	आर	सेन्टी- यर
1	2	3	4	5
कसलपुरा	870	0	08	50
	867	0	03	85
	866	0	04	45
	865	0	15	85

[सं० ओ०-12016/99/86-ओ०एन०जी०-डी०-4]

S.O. 3199—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2450 dated 23-6-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date if the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM SNBG TO SSC TF

State: GUJARAT District & Taluka : MEHSANA

Village	Block No.	Hectare	Acres	Centiare
KASALPURA	870	0	08	50
	867	0	03	85
	866	0	04	45
	865	0	15	85

[No. O-12016/99/86-Of G-D-4]

का० अ० 3200—जहाँ पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का० अ० सं० 1275 तारीख 30-4-87 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को प्राप्तिवाइन विछाने के लिए अर्जित करने का आदेश घोषित कर दिया था।

और जहाँ सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, जहाँ केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात्, उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार प्राप्तिवाइन विछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तत्त्व और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

ऐन-112 से ऐन-54 तक प्राप्तिवाइन विछाने के लिए
राज्य—गुजरात जिला—खेडा तालुका—मातर

गाँव	सर्वे न०	हेक्टर	आर	सेन्टी- यर
1	2	3	4	5
कथवाडा	322	0	05	10
	327	0	02	40
	326	0	05	70
	328	0	01	50
	325	0	03	00
	329	0	03	00

[सं० O-12016/32/87/ओ एन ई-4]

S.O. 3260—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1275 dated 30-4-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in

Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM N-112 TO N-54

State : GUJARAT District : KHEMA Taluka : MATAR				
Village	Survey No.	Hectare	Are	Centare
KATHAWADA	322	0	05	10
	327	0	02	40
	326	0	05	70
	328	0	01	50
	325	0	03	00
	329	0	03	00

[No. O-12016/32/87-ONG- D-4]

का० आ० 3201:—यतः पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का अर्जन (अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का० आ० सं० 2290 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की तारीख को निहित होगा।

अनुसूची

असजोल-5 से एन०के०जी०सी०एम०-III तक पाईप लाइन बिछाने के लिए।

राज्य-गुजरात जिला और तालुका-मेहमना

गाँव	सर्वे नं०	हेक्टर	आर	सेन्टी- यर
1	2	3	4	5
धानपुरा	723/1 } 723/2 }	0	07	44
	731	0	02	04
	724	0	09	96
	725	0	10	32
	716	0	11	28
	703	0	13	68
	704	0	06	48
	698	0	01	32
	697	0	04	50
	693	0	06	72
	694/1 } 694/2 }	0	09	72
	679	0	16	20
	675	0	03	96
	674/1	0	05	64
	674/2	0	17	04
	447	0	04	44
	448	0	03	16
	468	0	15	36
	467	0	09	60
	473	0	00	60
	474/2 } 474/4 }	0	10	20
	463	0	14	76
	475	0	08	52
	476	0	03	60
	477	0	03	00
	492	0	00	60
	491	0	04	08

[सं० ओ०-12016/53/87-ओ०एन०जी०-डी०-4]

S.O. 3201.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2290 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under sub-section (i) of the Section 6 of the said Act, submitted report to the Government:

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM ASJOL-5 TO NK. GGS III.

STATE : GUJARAT DISTRICT & TALUKA : MEHSANA

Village	Survey No.	Hectare	Ac	Centiare
1	2	3	4	5
DHANPURA	723/1 }	0	07	44
	723/2 }			
	731	0	02	04
	724	0	09	96
	725	0	10	32
	716	0	11	28
	703	0	13	68
	704	0	06	48
	698	0	01	32
	697	0	04	50
	693	0	06	72
	694/1	0	09	72
	694/2			
	679	0	16	20
	675	0	03	96
	674/1 }	0	05	64
	674/2 }	0	17	04
	447	0	04	44
	448	0	03	16
	468	0	15	36
	467	0	09	60
	473	0	00	60
	474/2 }	0	10	20
	474/4 }			
	463	0	14	76
	475	0	08	52
	476	0	03	60
	477	0	03	00
	492	0	00	60
	491	0	04	08

[No. O-12016/55/87-ONG-D-4]

का.आ. 3202:—यत्. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एल एन एसी से लिच ईपीएस तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपलब्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्-द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एलएनएसी से लिच ईपीएस तक पाईप लाईन बिछाने के लिए।

राज्य—गुजरात, जिला और तालुका—मेहसाना

गांव	प्लॉक नं.	हेक्टर	आर	सेंटियर
मीडोमना	185	0	15	96
	186	0	18	84

[सं. ओ-12016/67/87-ओ एन डी-डी-4]

गुरुदयाल मिह, डैस्क अधिकारी

S O. 3202.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from LNAC to Linch EPS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government, hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra. (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM LNAC TO LINCH EPS

STATE : GUJARAT DISTRICT & TALUKA : MEHSANA

Village	Block No.	Hectare	Are	Centiare
SIDOSNA	185	0	15	96
	186	0	18	84

[No. O-12016/67/87-ONG-D-4]
GURDIAL SINGH, Desk Officer

शहरी विकास मंत्रालय

(नगर अधिकतम सीमा यूनिट)

नई दिल्ली, 16 नवम्बर, 1987

का.आ. 3203.—केन्द्रीय सरकार, नगर भूमि (अधिकतम सीमा और विनियमन) अधिनियम, 1976 (1976 का 33) की धारा 2 के खंड (ट) के साथ पठित उसके खंड (घ) में अन्तर्विष्ट उपखण्डों के अनुसरण में, भारत सरकार के निर्माण और आवास मंत्रालय (अब शहरी विकास मंत्रालय) की अधिसूचना सं. का.आ. 5064 तारीख 2 नवम्बर, 1985 का निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, क्रम सं. 1 और 3 तथा उनसे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएंगी, अर्थात्:—

1	3	3
"1. रक्षा संपदा अधिकारी, आंध्र प्रदेश सकिल, सिकन्दराबाद।	सिकन्दराबाद छावनी की स्थानीय सीमाओं के अंतर्गत आने वाला सम्पूर्ण क्षेत्र।	अध्याय 3 और अध्याय 4 की धारा 26 और धारा 27";
"3. रक्षा संपदा अधिकारी, पुणे सकिल पुणे छावनी	(क) पुणे छावनी की स्थानीय सीमाओं के अंतर्गत आने वाला सम्पूर्ण क्षेत्र। (ख) किर्की छावनी की स्थानीय सीमाओं के भीतर आने वाला सम्पूर्ण क्षेत्र। (ग) देहू रोड छावनी की स्थानीय सीमाओं के भीतर आने वाला सम्पूर्ण क्षेत्र। (घ) देवलाणी छावनी की स्थानीय सीमाओं के भीतर आने वाला सम्पूर्ण क्षेत्र।	अध्याय 3 और अध्याय 4 की धारा 26 और धारा 27".

[फा.सं. 4/4/87-न अ यू]

सी.एम. राव, उप सचिव (शहरी विकास)

MINISTRY OF URBAN DEVELOPMENT

(Urban Ceiling Unit)

New Delhi, the 16th September, 1987

S. O. 3203.—In pursuance of the provisions contained in clause (d) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976) read with clause (k) thereof, the Central Government hereby makes the following amendment in the notifications of the Government of India, in the Ministry of Works & Housing (now Ministry of Urban Development) No. S. O. 5064, dated the 2nd November, 1985, namely:—

In the said notification, for serial Nos. 1 and 3 and the entries relating thereto, the following serials Nos. and entries shall be substituted namely:—

"1. Defence Estates Officer Andhra Pradesh Circle, Secunderabad.	Entire area within the local limits of the Cantonment of Secunderabad.	Chapter III and sections 26 and 27 of Chapter IV";
"3. Defence Estates Officer, Pune Circle, Pune Canti.	(a) Entire area within the local limits of the Cantonment of Pune. (b) Entire area within the local limits of the Cantonment of Kirkee. (c) Entire area within the local limits of the Cantonment of Dehu Road. (d) Entire area within the local limits of the Cantonment of Deolali.	Chapter III and sections 26 and 27 of Chapter IV".

[F. No. 14/87-U C U]

C. S. RAO, Dy. Secy.

संचार मंत्रालय

(दूर संचार विभाग)

नई दिल्ली, 2 नवम्बर, 1987

का. आ. 3204.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने कुंतनहल टेलीफोन केन्द्र, आन्ध्र प्रदेश सकिल, में दिनांक 14-11-1987 में प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-8/87-पी एच बी]

पी०आर० कारडा, सहायक महानिदेशक (पी. एच. बी.)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 2nd November, 1987

S.O. 3204.—In pursuance of part (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 14-11-1987 as the date on which the Measured Rate System will be introduced in Kuntanahal Telephone Exchange Andhra Telecom. Circle

[No. 5-8/87-PHB]

P. R. KARRA, Assistant Director General (PHB)

धर्म मंत्रालय

नई दिल्ली 23 अक्टूबर, 1987

का. आ. 3205—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स राजस्थान स्टेट माइन्स एण्ड मिनेरल्स लिमिटेड, उदयपुर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-87 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 23rd October, 1987.

S.O. 3205.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Rajasthan State Mines and Minerals Limited, Udaipur and their workmen, which was received by the Central Government on the 15th October, 1987.

BEFORE: SHRI G. S. KALRA : PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIBUNAL :
NEW DELHI

I.D. No. 37/1980.

In the matter of dispute between :
Shri Gopi Shankar.

VERSUS

Rajasthan State Mines & Minerals Ltd., Udaipur.

APPEARANCES :

Shri Pradeep Paliwal—for the workman.

Dr. Anand Prakash—for the Management.

AWARD

The Central Government in the Ministry of Labour, vide order No. L-29011/20/79, D III (B) dated 2nd June, 1980 referred the following industrial dispute to this tribunal for adjudication :—

“Whether the dismissal of Shri Gopi Shankar, a Heavy Vehicle Driver Gr. ‘D’ from 17th March, 1979 pursuant to a domestic enquiry held ex-parte, by the management of Rajasthan State Mines and Minerals Limited, Saheli Marg, Udaipur, is justified? If not, to what relief the workman is entitled?”

2. Shri Gopi Shankar was appointed as Heavy Vehicle Driver on 14-1-1975. He was elected a President of the new Union, apart from Rock Phosphate Mazdoor Sangh. The workman's case is that the formation of the new Union was not liked by the Management and the Rock Phosphate Mazdoor Sangh, and intimidation of R.S.M.M.L. Karamchhari Sangh members and office-bearers were let loose by the Management and the Rival Union in collusion. Certain instances were given in para 2.3 of the claim-statement.

3. Under its President, the new Union started a movement and proposed indefinite strike. The matter was taken to conciliation. There was a total strike on 21st and 22nd January, 1978.

4. The workman's case is that he was implicated in false and concocted case, and police reports were made against

him and his colleagues. In addition, he was charge-sheeted and suspended by Management's letter dated 27-1-1978, after 5 days of alleged serious incidents on 22-1-1978. The charges against the workman were as follows:

“That on 22-1-78 at about 8.15 PM, Shri Gopi Shankar, who was not on duty at that time, drove away unauthorisedly, Company's Telco truck model 1210-S without any valid orders, from the old workshop area, near the Time Office, where the truck was lying. He was spotted at ‘B’ Block around 8.20 P.M. There he tried to fatally run over by the truck the workmen assembled at the maidan. Finding the truck being driven on them the workers assembled there scattered away to save their lives, otherwise they would be fatally run over by the truck.

Thereafter, speeding the truck, Shri Gopi Shankar reached the check-post located near the mines dispensary. At the check-post he asked the Security Guard on duty to open the barrier, but the Guard on duty told him that the barrier would be lifted only after Shri Gopi Shankar had made entry in the register. Thereupon, Shri Gopi Shankar put the vehicle on reverse motion and brought the vehicle upon the mound near the Security Office, and again put the vehicle on reverse motion and drove the same speedily through the space between the sentry goomty and mound near the Security Office and thus crossed the barrier. While thus crossing the barrier the sentry goomty having been hit by the truck was dismantled. The Security staff present there had they not taken care to save their lives, they would have definitely been fatally run over by the truck due to such rash and negligent driving.”

5. An enquiry was conducted against the workman on these charges, ex parte on 9-3-78, wherein Gopi Shankar had sought adjournment on the ground of ill-health. A. K. Mukerjee, Assistant Personnel Manager, completed the enquiry but, later, the enquiry was re-opened and a new enquiry was made later by the same officer, whom the workman said as ‘biased’ itching for gaining the goodwill of Management by reporting against him for favour of promotion and advancement in service.

6. This workman refused to participate in the new enquiry, on the ground that the enquiry officer refused to allow his co-worker to cross-examine witness produced by the Management. The E.O. believed that the Standing Orders did not allow the workman to be represented by co-worker for cross-examination of the witnesses of the Management, and the only concession to the workman under the Standing Orders was to have an Observer present at the enquiry.

7. The Enquiry Officer was said to have conducted a fresh enquiry on his own, without the help of Presenting Officer and held the workman guilty unfairly and improperly. The ex parte proceedings in enquiry by E.O. were said to be ultra-vires of his powers, because such power resided only in Management under Standing Orders. The workman desired that he be reinstated in service, after quashing the order of dismissal based on unfair enquiry, and he sought back-wages and continuity in service.

8. The Management contested the workman's claim and asserted the fairness and propriety of the enquiry and of the order of dismissal from service on the charges proved against the workman. It also sought permission to prove the charges before this Tribunal, in case the enquiry was held vitiated for any reason.

My predecessor Shri O. P. Singla vide his order dated 16-4-1983 held that the workman had been prejudiced by the enquiry officer in proceeding ex-parte and accordingly held the enquiry to be vitiated and the dismissal order of the workman was set aside and the Management was given opportunity to prove the charges against the workman before this Tribunal.

9. The Management in support of its case has examined 7 witnesses namely MW1 Shri S. C. Mathur, Superintending Engineer Electrical, MW2 Shri U. K. Jha, Assistant Mine Manager Gr. I, MW3 Shri Hari Prasad, Sr. Supervisor Transport Section MW4 Shri Bhura, Buldozer Operator

MW5 Shri Shiv Singh, Jr. Fitter, MW6 Shri Daulat Singh, Sr. Security Guard, MW7 Shri Mod Singh, Security Guard. In rebuttal the workman has examined 4 witnesses namely MW1 Shri Ram Chander, Driller, Mines Department, WW2 Shri Mohan Lal, Office Secretary, Bhartiya Mazdoor Sangh Udaipur, WW3 Mahendra Singh Khameshra, Treasurer and working President, Rajasthan State Mines Minerals Karam-churi Sangh and WW4 Shri Gopi Shankar workman.

10. I have gone through the evidence brought on record and the documents placed on the file and heard Shri Anand Prakash for the Management and Shri Pradeep Pahlwal for the workman and I am of the considered opinion that the management has been able to bring home the charges against the workman. At the outset it may be noted that the factum of the occurrence having taken place is not disputed by the workman and the workman has set up the defence of alibi in as much as at the time of the occurrence the workman claims to have been present at Udaipur attending a meeting of his Union. Thus onus was heavily on the workman to prove that he was not actually involved in the occurrence and that he was in fact present at Udaipur attending the meeting of the Union at the relevant time but the workman has failed to discharge his burden and the evidence produced is totally undependable. In this regard, the following extract from the statement made by the workman in his cross-examination as WW4 is reproduced below :

"I do not know whether any incident wherein a truck had smashed certain chairs and tables at the office of the rival union i.e. Rock Phosphate Mazdoor Sangh and had tried to run down people at the same place had taken place. I also do not know whether the same truck went later on to the naka office and knocked down the Gumti of the Santry Box. I also do not know whether such incident took place on 22-1-78. After I was charge sheeted by the management I made enquiries and I learned that some people had damaged the Gumti and the office furniture of the Rival Union but there was no mention of the truck. I submitted my reply to the charge sheet on 4-2-1978 but I did not mention that at the time of the incident I was at Udaipur. Although I denied the charges. It is correct that I disclosed for the first time in my reply to the show cause notice for punishment that I was at Udaipur at the time of incident. Volunteered earlier to that I was not given any opportunity to make such pleading. I did not make any complaints in writing to any authority or the management before my reply to the show cause notice that I was present at Udaipur at the time of incident."

11. Two facts become clear from the above statement of the workman. First, that the workman does not deny that the occurrence as alleged by the management had taken place. Second, that the workman did not disclose his alibi when he submitted his reply to the charge sheet and he disclosed his plea of alibi for the first time only when he submitted his reply to the show cause notice for the proposed punishment. It is, therefore, manifest that the plea of alibi is an after thought and this in itself makes this plea suspicious. Now to establish the alibi the workman has placed in the minutes register. A cursory look at the recorded in the minutes register. A cursory look at the minutes register goes to show that the minutes of the alleged meeting dated 22-1-78 is a clear interpolation, with regard to this register, the first thing to be noted is that the minutes of all other meetings have always been recorded in a new page and the alleged minutes is the only instance where it has been recorded in the space left after the recording of the minutes of the meeting dated 23-12-1977. It is a highly suspicious circumstance and it appears that the minutes were inserted later on in order to fabricate evidence in support of the plea of alibi of the workman. Another sus-

picious circumstance is that the impugned minutes are not signed by all the office bearers as it should normally be. It has thus been stated by MW2 Shri Mohan Lal that all the office bearers have to sign the minutes but sometime there may be some omissions. Now WW1 Shri Gopi Shankar has stated that Shri Faiz Mohammad and Chandra Prakash remained office bearers of their Union till the time of their death. Faiz Mohd. died in 1981. WW2 Mohan Lal stated that Chander Prakash died in February, 1982. However, neither Faiz Mohd. nor Chander Prakash have appended their signatures to the impugned minutes. No explanation has been given for this omission. Again the workman has tried to explain away that the impugned minutes were recorded in continuation of the minutes of the meeting dated 23-12-77. However, minutes of the meeting dated 23-12-77 were recorded by Chander Prakash Sharma deceased but the impugned minutes dated 22-1-78 have not been recorded by the said Chandra Prakash. No explanation is available why these were not recorded by Chander Prakash who had recorded earlier minutes of the meeting dated 23-12-77. This also gives rise to the suspicion that the impugned minutes were inserted much later. Again WW2 Mohan Lal has stated that the distance between Jhamarkota where the occurrence is alleged to have taken place and Udaipur is 26 Kms. and that the meeting was not held at Jhamarkota because S/Shri Shambu Singh Khameshra and R.C.Shukla were not available, at Jhamarkota and were available at Udaipur. He further added that Shri Gopi Shankar and M.S.Khameshra had come from Jhamarkota. Now the impugned minutes are also signed by Mr. V.S. Thapa at point 'G' to 'H' but he is based at Jhamarkota as per statement of WW3 Mahendra Singh Khameshra. The impression given by all the witnesses of the workmen is that only Gopi Shankar and M. S. Khameshra had come from Jhamarkota to attend the alleged meeting. Thus WW4 Gopi Shankar has stated that he had been called to Udaipur by Shambu Singh Khameshra through Ravi Chander Rania and he left the mines at 4 P.M. Similarly WW-1 Ram Chander stated that Shri Shambu Singh had asked him to go to Jhamarkota and send Gopi Shankar and accordingly he sent Gopi Shankar to Udaipur at about 4 P.M. WW3 Mahendra Singh Khameshra also stated that Ram Chander had come from Udaipur and informed that Shambu Singh had called Gopi Shankar to Udaipur and then he and Shri Gopi Shankar left the mines at 4 PM for Udaipur. WW2 Shri Mohanlal also stated that S/Shri Shambu Singh Khameshra, R. C. Shukla, Gopi Shankar and Chander Mohan etc, were present in the meeting. Thus none of the witnesses has stated that V. S. Thapa had also attended the meeting and had come from Jhamarkota. Therefore, the presence of the signatures of V. S. Thapa on the impugned minutes is a highly suspicious circumstance and shows that these minutes were inserted later on and signatures of office bearers and members of the Union were obtained. Lastly, all the witnesses produced by the workman are in one way or the other connected with his Union and appear to be interested and they are not wholly reliable witnesses. When their evidence is viewed in the light of the suspicious circumstances pointed out these witnesses become unreliable. On the other hand, the witnesses produced by the Management have made highly natural statements and do not go to suggest that they were determined to implicate the workman at any cost. There is no suggestion that any of the witnesses produced by the Management had personal hostility against the workman. When the statements of the Management witnesses are read as a whole it is clearly proved that it is the workman who had driven the truck and was the culprit. Hence the plea of alibi of the workman is rejected and it is held that the charges levelled against the workman stand fully proved against him.

12. The question that remains to be considered is as to what should be the quantum of punishment which should meet the ends of justice. The charges levelled against the workman are quite serious, and go to show that he is a person of short temper and he might as well have fatally run over other workmen had they not run away from the place of occurrence. It will not at all be in the interest of industrial peace to reinstate this workman. However, the acts committed by the workman are more out of Union rivalry than against the management. Therefore, the dismissal from service which is the punishment awarded by the Management appears to be on the harsher side. Taking into consideration the totality of circumstances of the case, I am of the opinion that compensation will meet the ends of justice. Accordingly, it is directed that the workman be treated as having been discharged from service and the Management is directed to pay him a lump sum compensation of Rs. 50000/- (Rupees Fifty Thousand only), within one month of the enforcement of this award failing which he shall also be paid interest at the rate of 12 per cent from today till actual payment. The interim relief given to the workman shall also not be recovered from him. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

G. S. KALRA, Presiding Officer

29th September, 1987.

[No. L-29011/20/79-D. III(B)]

नई दिल्ली, 28 अक्टूबर, 1987

का. आ. 3206—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स कुद्रेमुख आयरन और कम्पनी लिमिटेड, बेंगलूर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पचाट को प्रकाशित करनी है जो केन्द्रीय सरकार को 16-10-87 को प्राप्त हुआ था।

New Delhi, 28th October, 1987

S.O. 3206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Kudremukh Iron Ore Company Limited, Bangalore and their workmen, which was received by the Central Government on the 16th October, 1987.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT BANGALORE.

Dated : 8th Day of October, 1987

SRI B. N. LALGE, B.A. (HONS) LL.B. PRESIDING OFFICER

Central Reference No. 23/87

Old Central Reference No. 30/84

FIRST PARTY

Shri. P. A. Devendra Reddy,
22/1, Sidde Gowda Lane,
Doddamavalli,
Bangalore-4.

V/S

SECOND PARTY

The Chairman-cum-Managing Director,
Kudremukh Iron Ore Co. Ltd.,

II Block, Koramangala,
Bangalore-34.

APPEARANCES

For the First Party Sri A. V. Srinivas, Advocate Bangalore.

For the Second Party Sri. K. Kasturi Advocate Bangalore.

AWARD

By exercising its power under section 10(1)(d) of the Industrial Disputes Act, the Government of India, Ministry of Labour had made the present reference on the following point of dispute by its order No L-26015(2)/84-D.III.B dated 9-11-1984.

2. By a General Order No. L-11025/A/87-D-IV B dated 13-2-1987, it has been transferred to this Tribunal. It is at Sl. No. 24 in the said order.

POINT OF DISPUTE

"Whether the action of the management of Messrs Kudremukh Iron Ore Company Limited, Bangalore in discharging from service Shri P. A. Devendra Reddy, Driver-cum-Mechanic with effect from 19-1-1982, was justified? If not, to what relief is the workman concerned entitled and from what date?"

3. The first party workman has then filed its claim statement. Its contentions in brief are as follows :—He was appointed as Driver-cum-Mechanic Grade II in 1976. His services were regularised. On 3-11-1979 there was an order of transfer from Bangalore to Mangalore. He was relieved of his duties on the same day. He had suffered dislocation of his shoulder joints and he was under medical treatment. From 19-11-79 to 25-11-1979 he was in-patient in Agadi Nursing Home Wilson Garden Bangalore. Thereafter he was under the treatment of Dr. K. P. Thomas of St. Marthas Hospital, till 30-3-1980. The Doctors who had treated him had given certificates that he should not drive vehicles in that section. He made a representation to the management to cancel his order of transfer to Mangalore and requested to retain him in Bangalore at least for one year. The second party did not concede to his request, but initiated disciplinary action against him. The second party had sent a charge sheet to him but it was not at all received by him. He learnt about it subsequently and enquiry notice was not sent to him. Without sending a copy of the charge sheet the second party has held the enquiry against him. The enquiry officer was biased. The enquiry was apposed to principles of natural justice and fair pay. An order was passed in January 1982 discharging him. It is illegal. The letters of the management dated 8-11-1979 and 15-11-1979 show that the management had not refused leave to him. A copy of the findings was not given to him. The medical certificates constituted an extenuating circumstances in his favour. Hence an award may be passed for re-instatement and consequential benefits.

4. The second party management has filed its counter statement and its contentions in brief are as follows :—He was appointed as driver for one year on contract with effect from 10-1-1977. The contract was extended from time to time. In December 1979 the tenure of appointment was extended till the age of superannuation. On third November, 1979 he was transferred to Mangalore and he was relieved on the same day with a direction to report at Mangalore on 12-11-1979. On 7-11-1979 he had approached with a request to defer the transfer for atleast six months. He contended that he had some ailment. He was informed to report at Mangalore when declared fit. He did not apply for leave in the prescribed form nor did he report for duty at Mangalore. He again requested to defer his transfer. His request was not acceded. He remained absent without sufficient cause. He came up with a letter dated 1-4-1980 to report at Bangalore. He was advised to report at Mangalore. He did not report at Mangalore and did not apply for leave for the period between 8-11-1979 and 31-3-1980. He approached the civil court challenging the order of transfer

and sought for interim injunction in O. S. No. 232/1980. His application was dismissed on 23-7-1980. Still then he remained absent. Since, the said Acts amounted to misconduct, a charge-sheet was issued to him. He did not submit his explanation. An enquiry was ordered. He had fully participated in the same. After considering the findings of the Enquiry Officer he was discharged from service. His transfer was made in the exigencies of the work and in the interest of the Company. The second party had transferred a number of cars to meet the work requirements at Mangalore and it had transferred the drivers also. The Doctor's certificate produced by him did not show that he had bonafide cause for not reporting to duty at Mangalore. The duty of driving in Mangalore was not different than the duty of driving a vehicle in Bangalore. He was given time to report at Mangalore, when he was declared fit by the Doctors, but he did not do so. Charge sheet was sent to him by registered post. In his letter dated 24-7-1981, where-in he had requested for salary and allowance, he had not stated that he had not received the charge sheet. Even in the enquiry he did not state about non-receipt of the charge sheet. It is not true that the enquiry officer was biased. His allegations are not true. He is not entitled to any relief. He has willfully remained absent for twenty seven months. He is in gainful employment as a partner in a travelling agency. The reference may be rejected.

5. In view of the said pleadings, the following issues have been raised :-

- (a) Whether the Domestic Enquiry held was in accordance with principles of natural justice ?
- (b) Whether the I Party workman was transferred for bonafide reasons and in the interest of the company's work ?
- (c) What order ?

6. The first additional issue was taken up as a preliminary issue.

7. For the management one witness was examined and Ex. M-16 were got marked.

8. For the first party, the workman himself was examined.

9. By a considered order dated 13-11-1986 it had been held that the enquiry conducted by the management is in accordance with the principles of natural justice.

10. There-after the parties were called upon to adduce evidence on rest of the matters

11. The management has examined one more witness and has got marked M-17 to M-18.

12. No further evidence was adduced for the first party.

13. The parties have been heard on the remaining points.

14. My findings on the additional issues and point of reference are as follows :-

The second party had transferred the first party workman for bona fide reasons and in the interest of the company's work. The first party workman is not entitled to any relief.

REASONS

Additional Issue :-

15. MW-1 Venkatesh, is the Assistant Manager of the second party. He is the officer who had conducted the domestic enquiry against the workman. Ex. M-1 is the order appointing him as the enquiry officer. Ex. M-2 is a copy of the charge sheet. Ex. M-3 is a notice of date of hearing. Ex. M-4 is a representation made by the workman for salary etc. Ex. M-5 is the second notice for hearing. Ex. M-6 is his telegram for attending to the enquiry. Ex. M-7 is the proceedings of the enquiry. As stated earlier, the Domestic Enquiry has been held to be valid and in accordance with law. Ex. M-8 is the report of the enquiry officer.

16. The enquiry proceedings Ex. M-7 shows on page 68 the order of transfer. The enquiry officer has marked the documents in the enquiry as Ex. M-1. Page 69 is the office order showing that he was relieved on the after-noon of 3-11-1979 with instructions to report to the administrative officer at Mangalore on 12-11-1979. It is the case of the first party workman that he had suffered dislocation of shoulder joints, that he was an in-patient in Agadi Nursing Home and St. Marthas Hospital and that instead of treating the matter on humanitarian grounds, the management had taken it as an affront and had initiated the disciplinary proceedings. After the finding that the Domestic Enquiry is valid was recorded the workman had not examined any witness, nor has he examined himself again. His evidence dated 28-5-1986 and 31-7-1986 makes out in paras three and four, that he had not questioned the bonafides of the management in transferring him to Mangalore. He admits that he had received the order dated 3-11-1979 and states that he might have received the relieving order dated 3-11-1978 also. He does not dispute that he had given an application dated 7-11-1979. Further, he admits that he never made any enquiry as to what order had been passed on his letter dated 7-11-1979. As regards his representation dated 10-11-1979, he states that he does not remember. Ex. M-9 is a letter of the management dated 15-11-1979 in response to his representation dated 10-11-1979. It permits him to report at Mangalore on being declared as fit by the medical officer. Ex. M-13 indicates that he had in his favour a medical certificate issued by Dr. K. T. Thomas of St. Marthas Hospital. Ex. M-10 is a copy of his plaint in O.S. No. 232 of 1980 filed in the court of the principle Munsiff civil station Bangalore. Ex. M-11 is a copy of the order passed on I. A. Nos. 1, 2 in that matter. The learned munsiff has held that the plaintiff namely the workman had not made out a prima facie case for grant of temporary mandatory injunction and that the balance of convenience was not in his favour and that there was no question of his suffering greater hardship. Ex. M-10 and M-11 themselves prove that there is no force in his contention that the order transferring to Mangalore was not bonafide or that it was not in the interest of the company's work.

POINT OF DISPUTE

17. Perversity of findings depends upon the test whether there was no legal evidence at all or whether on the basis of the material on record no reasonable person could have arrived at the findings complained of. Soon after the enquiry was taken up the presenting officer produced the order of transfer, the order of relieving him from duties at Bangalore and letter of the workman dated 1-4-1980 that he had gone to report at Bangalore office. The presenting officer further submitted that till that date the workman had not reported for duty at Mangalore. By so much of evidence the presenting officer had closed his side. Then the workman was called upon to state about his case. He has then given his evidence. The presenting officer has asked him a specific question that Mangalore is a coastal city and that his duties were confined to Mangalore city and township area, and therefore there was no reason for him for not reporting to duty. The workman had no answer to the said question. He was then asked whether he had no intention to report duty at Mangalore. He has not replied the said question also. Then he was asked whether he had submitted any application for leave. He stated that they had sent a letter along with the Doctor's certificate. On the basis of the said evidence the Enquiry Officer recorded a finding that his absence from duty was without sufficient cause and that he did not obey law-fully and reasonable orders of his superiors. It is not a case where there is no evidence at all and nor is it a case where no reasonable man could have arrived at such findings. The documents at Ex. M-14, M-15 and M-16 further indicate that the management was convinced about the act of misconduct and had arrived at a conclusion that he should be discharged from service.

18. The learned counsel for the first party contended that the certificates issued by the Doctors were not assailed and therefore there was justification for him not to join at Mangalore. The workman had no answer for not reporting to duty at Mangalore even when he was found fit, because at Mangalore he was not required to work in ghat area. He has further no explanation as to why he refused to join and work at Mangalore city and in the town-ship and not in the ghat-area. The learned counsel for the first party argued that a copy of the report of the enquiry officer was not given

to him. The first party has not established that he was prejudiced in any manner. In my view, the management was justified in discharging him for the said acts of mis-conduct.

19. The evidence of MW-2 and Ex. M-17, the visiting card M-18, letter by S. Narayan and Ex. M-19 a certified copy of orders on I.A. Nos. I and II in OS. 232/1980 have been relied upon to show that subsequent to his discharge, he is gainfully employed. The said evidence is not pertinent, since it has been held that the management was justified in discharging him.

20. The learned counsel for the first party contended that since the employee had produced the medical certificates and since they have not been assailed, it is a fit case to exercise the jurisdiction of this Court under section 11A of the Industrial Disputes Act and to order for re-instatement. On facts, a finding emerges that he was not justified in not reporting to duty at Mangalore even after the said period of absence on account of medical grounds. It is not a case wherein the management has victimised the workman on an unjustifiable ground of his remaining absent for some days on account of medical grounds, but it is a case where the workman intended to compel the management to cancel the order of transfer and retain him only at Bangalore. It has been held that the finding of mis-conduct justifiable and under the said circumstance, I do not find that the order of discharge is in any way unjustifiable.

21. In the result, an award is hereby passed to the effect that the management was justified in discharging the employee, Sri P. A. Devendra Reddy with effect from 19-1-1982 and that he is not entitled for any relief.

(Dictated to the secretary, taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-26015/2/84-D. III(B)]

का. आ. 3207—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैमर्स वेस्टर्न कोल फिल्ड्स लिमिटेड के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-87 को प्राप्त हुआ था।

S.O. 3207.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited and their workmen, which was received by the Central Government on the 20th October, 1987.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(17) of 1986

PARTIES

Employers in relation to the management of Western Coalfields Limited, P.O. Walni, Nagpur (M.S.) and their workman, Shri Eknath Dondba Talmale, Loader, Pula (Dek Bangla) Teh. Saoner, District Nagpur (M.S.).

APPEARANCES :

For Workman—Shri R. S. Charpa, Advocate

For Management—Shri M. P. Badar and Shri A. M. Badar, Advocates.

INDUSTRY : Coal Mining DISTRICT, Nagpur (M.S.)

AWARD

Dated the 13th October, 1987

In exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication, vide Notification No. 1-22012(45)/85-D.V dated 21st February, 1986 :—

"Whether the action of the management of M/s. WCL Limited, Walni Colliery in dismissing the services of Shri Eknath Dondba Talmale, Loader with effect from 14-11-1983 is justified? If not, to what relief the workman is entitled?"

2. Non-controversial facts of the case are that the workman, Shri Eknath Dondba Talmale, was charge-sheeted by the management for alleged misconduct of less attendance vide charge-sheet dated 23-8-1983. The workman vide his application dated 25-8-1983 intimated that he was on medical leave from 5-4-1983 to 22-4-1983 and received wages for the said period on 23-5-1983 and requested the management to verify the record. The management passed the order of dismissal vide order dated 14-11-1983 and asked him to return the property of W.C. Ltd. and vacate the possession of the house in his possession. The workman has challenged the domestic enquiry inter alia on the following grounds :—

- (a) That he was neither issued a show cause notice nor preliminary enquiry was conducted;
- (b) The management did not verify the record as requested by him. Neither document nor the names of witnesses were disclosed to him by the Enquiry Officer. The workman was not supplied with the copies of enquiry proceedings and report. He had not pleaded guilty. It was for the first time it came to his notice during the conciliation proceedings. The previous record of the workman was satisfactory and no adverse report were communicated to him at any point of time.
- (c) His dismissal is illegal and against natural justice.

3. The management has denied the above allegations and pleaded that the applicant was served with various warning letters and at last he was served with a warning letter No. 324 dated 2-3-1983 for improving his attendance. He had not complied with Wage Board recommendation for taking sick leave regarding the inability and fitness certificate by the Mines Doctor. However, since sick leave was due to him he claimed and the same was allowed in connivance with leave clerk. The order of dismissal contained a routine clause about the Government property and vacation of quarter though in fact he was not in occupation of any quarter. The workman was working as a loader (piece rated). Therefore there was no question of stopping his annual increment, demotion as a punishment.

4. I have framed the following preliminary issues and treated Nos. 1 to 3 as preliminary which with my reasons and findings are as under :—

ISSUES

1. Whether the enquiry is proper and legal?
2. Whether the management is entitled to lead evidence before this Tribunal?
3. Whether the punishment awarded is proper and legal?
4. Whether the dismissal/action taken against the workman is justified on facts of the case?
5. Relief and costs.

5. I have heard the parties and perused the domestic enquiry record. Firstly it is not correct that the workman was not warned for his irregular attendance. The charge-sheet itself mentions the earlier warning letter dated 2nd March, 1983 and the charge-sheet gives the details of his attendance. It is not correct that the workman was not issued any show

cause notice. The show cause notice was issued to the workman by way of charge-sheet on 22nd August, 1983 and he has replied the same vide his reply dated 25th August, 1983.

6. On behalf of the workman it has been contended that no document or list of witnesses were furnished to him. Firstly the charge against him was of irregular attendance which was mentioned in the charge-sheet so it caused him no prejudice if the documents and name of witnesses were not furnished to him. In fact, he had only vide his reply dated 25th August, 1983 prayed that the record may be perused. He did not demand any copies of documents or list of witnesses. Thus it cannot be said that he was denied the reasonable opportunity to defend himself. The record of his attendance was in fact produced at the time of evidence and it was shown to him and marked Ex. M/1 to Ex. M/5. In such circumstances fact that the case against him was based on documents, a preliminary enquiry was not necessary.

7. The management admitted that the order regarding quarter was passed in a routine way. In any case, by passing a wrong order regarding the quarter it will not vitiate the enquiry.

8. It is the case of the workman that he had in fact never admitted the charges. This contention does not hold good looking to the domestic enquiry on record. The record shows that the charge was read over to him in Hindi and two questions were asked. It was in the second question that he admitted the charge. The workman also signed his attendance and at the end of that day's proceedings. In this regard, his plea is that it was only during conciliation proceedings that he came to know and he immediately raised the objection vide reply dated 30th July, 1984. I have gone through the defence documents filed by him which were filed after the order of dismissal dated 14th November, 1983 including the so called objection dated 30th July, 1984. In this application, in fact he had taken up the plea that under threats Shri Khanna took his signatures on the proceedings. He nowhere took the specific plea that he had not admitted the charge yet it was wrongly recorded so.

9. For the reasons discussed above I find that no material irregularity, impropriety and illegality has been shown which may show the domestic enquiry illegal improper and against natural justice as amounting to denial of reasonable opportunity to defend himself or having caused any prejudice to him. I, therefore, hold that the enquiry is legal and proper.

10. Coming to the question of punishment I am of the opinion that the punishment awarded is out of proportion to the alleged misconduct. Charge against him was that he was issued a warning letter on 2nd March, 1983 to improve his attendance, but he failed to do so. The plea of the workman at the very outset was that from 5th April, 1983 to 22nd April, 1983 he was sick and he has been paid wages for the said period. Whether he got the wages with the connivance of the clerk concerned or rightfully it is immaterial because the sick leave was due to him and he was granted the same. He was given a warning letter only on 2nd March, 1983. Thereafter he fell ill during April and May for which he was granted his wages. In the month of June his attendance was 22 days, in July 16 days and in August perhaps upto 22nd August, 1983, when he was issued the charge-sheet his attendance was 17 days. Looking to this attendance of his, it cannot be said that there was very material fall in his attendance. In the circumstances, the punishment of dismissal meted out to him appears to be too harsh.

11. The plea of the management in this regard is that he was a labour getting daily rated wages and he was on the lowest post, therefore, no other punishment could be meted out to him like stoppage of increment, demotion and suspension etc. This is not quite correct. As per the Model Standing Order for the Coal Mining Industries the workman could also be imposed the punishment of fine. Specially looking to the fact that if the workman is living outside 750 radius from the premises of mine he can also produce a medical certificate from a registered medical practitioner as was admittedly done in this case.

12. For the reasons discussed above, I hold that though the workman was at fault but the fault was not so grave as to entail dismissal. I am of the opinion that looking to 87/1498 GI-5.

all these circumstances of the case if the workman is not granted back wages this punishment would meet the end of justice. In fact, wages of the labour depending on the quantum of work done by him daily but he had not worked during this period. Therefore on the principle of no work no wages he is also not entitled to back wages I hold and decide these preliminary issues accordingly and answer the reference as under:—

That the action of the management of M/s. WCL Limited, Walji Colliery in dismissing the services of Shri Eknath Dondba Talmale, Loader, with effect from 14th November, 1983 is not justified since the punishment is disproportionate to the charge proved against him. Therefore, the workman in normal course is entitled to be reinstated with full back wages and continuity of service. But in the circumstances of the case, he should be reinstated with effect from 14th November, 1983 with continuity of service but without back wages. No order as to costs.

V. S. YADAV, Presiding Officer

[No. L-22012/45/85-D.VIII(B)]

नई दिल्ली 29 अक्टूबर, 1987

का. आ. 3208—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैन्स भिन्नैनी कोविणरोज कम्पनी लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकशित करती है, जो केन्द्रीय सरकार को 21-10-87 को प्राप्त हुआ था।

New Delhi, the 29th October, 1987

S.O. 3208.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Singareni Collieries Co. Limited and their workmen, which was received by the Central Government on the 21st October, 1987.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

PRESENT :

Shri K. B. Siddappa, M.A.B.L., Industrial Tribunal
Industrial Dispute No. 21 of 1984

BETWEEN

The Workmen of Singareni Collieries Company Limited,
Kothagudem Division, Khammam District (A.P.).

AND

The Management of Singareni Collieries Company Limited,
Kothagudem Division, Khammam District (A.P.).

APPEARANCES :

Sri D. S. R. Verma, Counsel—for the workmen.

Sri K. Srinivasa Murthy and Miss G. Sudha Advocates—
for the Management.

AWARD

The Government of India, Ministry of Labour & Rehabilitation by its Order No. L-22012/11/83-D.III(B) dated 21-3-1984 referred the following dispute which arose between M/s. Singareni Collieries Company Limited, Kothagudem and their workmen under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947. The reference is as follows:

"Whether the management of Messrs Singareni Collieries Co. Ltd., Kothagudem are justified in refusing supply of uniforms to Peons working at Mines especially when they are providing uniforms to those employed in the HEAD OFFICE ?

If not, to what relief are the Peons in the Mines entitled?"

The reference was registered as Industrial Dispute No. 21 of 1984 and notices were served on the parties.

2. The Workmen filed their claim statement. They stated that the Company is providing uniforms to the peons who are working at the Head Office and departments. They requested to provide similar facilities to the Peons working in the Divisions on par with the peons working in Headquarters and departments. The Management refused to supply. Some of the peons working at Rudrampur Division under the control of Additional Chief Mining Engineer and the peons working at Dispensary, Coal Testing Laboratory and Central Screening Plant are provided with uniforms. Sri Mahaboob working at Dispensary, Sri Narasiah working at Coal Testing Laboratory and Narahari Rajam working at Central Screening Plant, are getting uniforms. However, the Management discriminated and stopped giving uniforms to Sri Jagga Reddy, Peon working at G.K. No. 8 Incline who was transferred from Head Office to G.K. No. 8 Incline. This is a clear discrimination. All the peons are drawing similar wages according to National Coal Wage Agreement. The Management has violated the principles of natural justice. Therefore they requested that the Management may be directed to provide uniforms to the Peons working at Divisions, Mines and Departments on par with the Peons at Headquarters.

3. The Management filed counter. They admitted that the Management was supplying uniforms to Peons working at Headquarters. There are large number of workmen in the category of Peons working in various Mines and departments of the Company in different divisions. Uniforms are supplied to the Peons working at Headquarters only to distinguish and identify the Head Office peons and also to maintain decency and decorum. The supply of uniforms was not extended to the Peons working in the Mines and Departments since it was apprehended that this in turn would lead to similar claims for uniforms by other section of workers. The company is running in losses since number of years. It is not in a position to bear an additional financial burden to satisfy the claim of the petitioners. Supply of uniforms was not covered under any of the National Coal Wage Agreements. The wages paid to the Peons cover the uniforms charges also. Therefore they have no right to agitate for supply of uniforms. The Union cannot demand the supply of Uniforms as a matter of right. It is the discretionary power of the Management to supply or not to supply uniforms. In view of the above facts they prayed that the Tribunal may be pleased to dismiss the claim petition.

4. The Management examined M.W1 and did not mark any documents. The Union remained absent, they are set expert.

5. There is no dispute that the Management is supplying uniforms to the Peons working in the Headquarters. The Union is demanding supply of uniforms for the Peons working in Departments and Mines also. M.W.1 stated that there are 56 Mines in the Company. Number of Peons are working in these Mines. It is difficult to supply uniforms to all the peons. The uniforms are supplied to the Peons working at Headquarters in order to maintain decency and decorum of the Head Office. The supply of uniforms is the discretion of the Management. It cannot be a matter of industrial dispute. The supply of uniforms is not covered under the National Coal Wage Agreements. Therefore, the demand is unjustified. He further stated that the reference was already terminated but on the application of the workmen it was resorted.

6. I entirely agree with the contention of the learned Counsel for the Management who submitted that the supply of uniforms is entirely in the discretion of the Management. They are supplying uniforms to the Peons working at headquarters to maintain decorum and decency. This facility cannot be claimed by other Peons working in the Mines. It is stated that the Company is running in loss and if this

additional burden is imposed the financial position of the Company will be worsened. The Singareni Collieries is Government of India undertaking. Any financial loss is loss to the National economy. The Company cannot be asked to bear additional burden just to fulfil the fancy of having uniforms to all the thousands of Peons working in the Mines Departments etc. The discretion in supplying uniforms only to Peons working at Headquarters is properly exercised. There is no question of any principles of natural justice being violated. Further there is no question of discrimination. If any peon is transferred from Department to Headquarters, he will certainly be provided with uniform.

7. This reference was already terminated by an Award dated 20-4-1985 but on an application it was restored. Even now there is no representation on behalf of the workmen. This industrial dispute cannot be adjourned indefinitely.

8. In view of the above discussion, I am of the view that the demand of the Union is not justified. Accordingly I answer the reference that the Singareni Collieries Company Limited, is justified in refusing to supply of uniforms to Peons working at Mines and departments.

Award is accordingly passed.

Dictated to the Stenographer, transcribed by him, corrected by me, given under my hand the seal of this Tribunal, this the 7th day of October, 1987.

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witness for Management examined.

M.W1 G. Ailaiah.

Witness for Respondent: NIL

Documents Marked: NIL

Dt. 13-10-87.

K. B. SIDDAPPA, Industrial Tribunal

[No. L-22012/11/83-D.III(B)]

का. आ. 3209:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सिंगरेनी कोलियरीज कंपनी लिमिटेड, कोठागुडीयम के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-87 को प्राप्त हुआ था।

S.O. 3209.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Singareni Collieries Co. Ltd. Kothagudem and their workmen which was received by the Central Government on the 21st October, 1987.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri K. B. Siddappa, M.A., B.L., Industrial Tribunal.

Industrial Dispute No. 4 of 1984

BETWEEN

The Workmen of Singareni Collieries Company Limited, Kothagudem, Khammam District (A.P.).

AND

The Management of Singareni Collieries Company Limited, Kothagudem, Khammam District (A.P.)

APPEARANCES :

Sri D. S. R. Varma—Counsel for the Workman.
Sri K. Srinivasa Murthy and Miss G. Sudha—Advocates
for the Management.

AWARD

The Government of India, Ministry of Labour & Rehabilitation in its Order No. L-22012(113)/83-D.III(B) dated Nil, January, 1984 referred the following dispute which arose between the Management of Singareni Collieries Company Limited, Kothagudem and Sri Ch. Moses, Lineman, No. 5 Incline, under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947. The schedule is as follows :

“Whether the management of Messrs. Singareni Collieries Company Limited, Kothagudem are justified in refusing grant of two extra increments to Shri Ch. Moses, Lineman, No. 5 Incline? If not, to what relief is the workman concerned entitled?”

The reference was registered as Industrial Dispute No. 4 of 1984 and notices were served to the parties.

2. The workmen in Singareni Collieries Company Limited, Kothagudem filed their claim statement. They stated that the Management of Singareni Collieries Company Limited had sanctioned two increments extra to the Muccadams vide their letter No. P. 40/3514/3889, dated 30th September, 1978.

The above circular was issued according to the Memorandum of Settlement arrived at under Section 12(3) of the I.D. Act, 1947. On 28th September, 1978. Para 10(a) of the Settlement reads as follows :

“Linemen, Timbermen, Trammer for proper regulation of the work of Lineman in each line extension gang or Timberman in each cross barring or advance Timbering withdrawal gangs will be allowed two extra increments on the basis of recommendation of SME/Manager concerned with effect from 1st September, 1978. This will not however result in the increase of man power.

3. The management has stopped this concession unilaterally without giving proper notices under Section 9-A of the I.D. Act. The management informed them on 21st June, 1983 that the above provisions of getting two extra increments to Lineman, Timberman and Trammer are waived as per Chief Executive Director's letter No. DO/P. 40/3823/1200 dated 11th/12th May, 1982. This is an internal circular circulated among their officers. They have not sent a copy to the Union. This unilateral action of the management violated the provisions of I.D. Act. Further they have informed in this letter that they are not going to extend this special concession for those workmen who were enjoying Maistries/Muccadams' categories when the issue was before the Joint Bipartite Committee for Coal Industry. The Management did not give any copy of their view points which was placed before the joint Bi-partite, Committee for Coal Industry. The Central Wage Board recommendations for Coal Industry provide in Chapter XVIII-A Para 10 also provides that all existing higher and better rates of wages, allowances and emoluments and other service conditions, facilities and amenities are protected. The said para reads as follows :

“As we have stated earlier our recommendations on each issue, are the minimum below which no colliery management shall be permitted to go. All existing higher and better rates of wages allowances and emoluments and other service conditions, facilities, and amenities which are more favourable than those recommended by us shall be protected. We also hope that the management of Collieries where such better conditions prevail will continue to give the lead towards higher levels of wage”.

4. In view of the above, the Management of Singareni Collieries cannot go back for what they have agreed.

5. Sri Ch. Moses Lineman, Lineman, No. 5 Incline is acting as Muccadam in leave and sick vacancies and has gained good experience as Muccadam. He requested the Manage-

ment to promote him as Muccadam right from July, 1979 onwards. Then this was refused, he has appealed to the Grievance Procedure and also to the Grievance Committee. The Management never informed that the provision of granting two extra increments to Muccadams has been waived. All the while they were informing that the case of Ch. Moses would be examined for promotion and for granting of two extra increments in the same grade. He is rightly entitled to get two extra increments as per the agreement reached with the Management on 28th September, 1978. Hence they prayed that the workman concerned may be promoted as Muccadam and be granted two extra increments as per the agreement. Hence the dispute.

6. The Management filed reply statement. They stated that with a view to have long term industrial truce and uninterrupted production, a Memorandum of Settlement was arrived at between the Management of Singareni Collieries and (1) S.C. Workers Union (2) Tandur Coal Mines Labour Union, on 28th September, 1978 before the Regional Labour Commissioner (Central)/Hyderabad. According to the Memorandum of Settlement certain Linemen, Timbermen and Trammers are allowed two extra increments. Clause 6 of the above settlement verbatim is as follows :

“Linemen, Timbermen and Trammers.—For proper regulation of work, one Lineman in each line extension gang and one Timberman in each cross barring or advance timbering or withdrawal gang will be allowed two extra increments with effect from 1st September, 1978, basing on the recommendations of SME/Colliery Manager concerned.

Similarly, to facilitate proper reporting and to assist the Munshi, one Trammer of each shift working in each additional main terminating circuit in a Mine reporting to Munshi, will be given two extra increments with effect from 1st September, 1978 on the basis of recommendations of SME/Collieries Managers concerned. This will not result in increase in man power. The extra increments so granted shall be personal to themselves and get adjusted in the future revision of pay, if any.”

The Union in its view points submitted to the Assistant Labour Commissioner (Central)/Vijayawada while giving the extract of the Memorandum of Settlement on 28th September, 1978 has conveniently avoided the following wording of Clause 6 of Memorandum of Settlement :

“The extra increments so granted shall be personal to themselves and get adjusted in the future revision of pay, if any.”

7. At No. 5 Incline there are two Linemen extension gangs and accordingly two Linemen were granted two extra increments as per the Memorandum of Settlement dated 28th September, 1978.

8. The Union's demand that Shri Ch. Moses Lineman may also be granted extra two increments just because he acted now and then in the absentee vacancies of above two linemen is baseless. In the settlement it is clearly mentioned that the two increments so granted will be personal to themselves and get adjusted in the future revision of pay and accordingly they get adjusted in N.C.W.A. III, Ch. Moses, does not stand of getting two extra increments as there are only two Line extension gangs of No. 5 Incline and further the above provisions were waived as per the Chief Executive Director's letter No. DO/P. 40/3823/1200 dated 11th/12th May, 1982. The persons who were not covered as on the date of agreement should not be given extra increments. As per the above Circular as the extra increment given are personal they should not be quoted as precedent. There is no question of giving notice under Section 9-A of the I.D. Act, as the management did not bring about any change in service condition. Therefore the claim for extra increment is unjustified. They prayed that the reference may be dismissed.

9. Notices were served on the parties. The Management was represented. However, the workman did not appear and remained ex-parte. He was set ex-parte and ex-parte management evidence was recorded. The management has examined M.W.1 and marked Ex. M1.

10. There is no dispute that Ch. Moses was working as Lineman in No. 5 Incline in Singareni Collieries Company Limited. Mr. W.I. stated that he is working as Personnel Officer in Singareni Collieries Company Limited, Kothagudem. The Workers Union raised industrial dispute demanding sanction of two extra increments to Ch. Moses. He further stated that there was an agreement under which Muccadams who were working in the Mines are eligible for two extra increments. Under this agreement Linemen, Timbermen, Transmiers will be given two extra increments on the basis of the recommendations of the concerned Manager with effect from 1st September, 1978. But this should not result in the increase of man-power. The increment will be treated as personal to himself. According to this two Linemen Muccadams were sanctioned two extra increments at No. 5 Incline. Ch. Moses was acting as Lineman Muccadam in the leave vacancies. There are two line extension gangs at No. 5 Incline. Therefore, there is no provision to sanction extra increments to Ch. Moses just because he happened to act in the leave vacancies. He marked Ex. M1 which is an agreement. In the light of the agreement Ch. Moses is not entitled to extra increments. He further stated that the reference was already terminated but it was restored on application.

11. It is clear from the evidence and also by the claim-statement that Ch. Moses was working in the leave vacancies. He never worked as Lineman muccadam on regular basis. Further in No. 5 Incline two line extension gangs are working. The Management has already granted increments to two Linemen muccadam in No. 5 Incline as per the agreement Ex. M1. Therefore, there is no question of granting two extra increments to Ch. Moses who has no right to the post of Lineman muccadam. It is clearly mentioned in the agreement that it should not amount to increase of man power. In such case, third man cannot be given extra increments where only two extension gangs are operating. Further the agreement envisages that the increments granted should be treated as personal and this would be adjusted in the future revision of pay. This fact was not mentioned in the claim statement. The Management is correct in saying that notice under Section 9-A of the I.D. Act is uncalled for as there is no change in the service conditions. The claim of workman is clearly unjustified. Therefore, I hold that the Management of Singareni Collieries Company Limited, Kothagudem are justified in refusing to grant two extra increments to Ch. Moses Lineman No. 5 Incline. The workman is not entitled for any relief. The reference is answered accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me, given under my hand and the seal of this Tribunal, this the 14th day of October, 1987.

Sd/-
Industrial Tribunal

Appendix of Evidence

W.I. Examined
for the Workmen :
NIL
Witness Examined
for the Management :

M.W.I. G. Ailaiah.
Documents marked for the Workmen : NIL.
Documents marked for the Management :

Ex. M1—True Copy of the Circular dated 30th September, 1978 issued by the General Manager, S.C. Co. Ltd., to all pits and Department of Collieries.

K. B. SIDDAPPA, Industrial Tribunal
[No. L-22012/113/83-D. II(B)]

Dated : 14-10-1987.

नई दिल्ली, 30 अक्टूबर, 1987

का. आ. 3210 :—औद्योगिक विवाद : सिंगरेनी, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सिंगरेनी कोलियरीज लि. कोठागुडियम के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

औद्योगिक अधिकरण, हैदराबाद के पंचाद को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 21-10-87 को प्राप्त हुआ था।

New Delhi, the 30th October, 1987

S.O. 3-10.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Singareni Collieries Company Limited, Kothagudem and their workmen, which was received by the Central Government on the 21st October, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Shri K. B. Siddappa, M.A.B.L., Industrial Tribunal
Industrial Dispute No. 22 of 1984

BETWEEN

The Workmen of Singareni Collieries Company Limited,
Kothagudem, Khammam District (A.P.).

AND

The Management of M/s. Singareni Collieries Company Limited,
Kothagudem, Khammam District (A.P.).

APPEARANCES :

Shri D. S. R. Varma, Counsel for the Workmen.

Shri K. Srinivas Murthy and Miss G. Sudha, Advocates
for the Management.

AWARD

The Government of India, Ministry of Labour & Rehabilitation by its Order No. L-22012/121/83-D.II(B) dated 1st March, 1984 referred the following dispute which arose between M/s. Singareni Collieries Company Limited, Kothagudem and their workmen under Section 7A and 10(1)(d) of the Industrial Disputes Act, 1947. The reference is as follows :

"Whether the management of Messrs Singareni Collieries Company Limited, Kothagudem are justified in refusing to grant two extra increments to Shri Bala Rosaman, Timberman, No. 5 Incline? If not, to what reliefs the workman concerned entitled?"

The reference was registered as Industrial Dispute No. 22 of 1984 and notices were served on the parties.

2. The workman in Singareni Collieries Company Limited Kothagudem filed their claims statement. They stated that the Management of Singareni Collieries Company Limited had sanctioned two increments extra to the Muccadams vide their letter No. P40/3514/3889, dt. 30-9-1978. The above circular was issued according to the Memorandum of settlement arrived at under Section 12(3) of the I.D. Act, 1947 on 28-9-1978. Para 10(a) of the Settlement reads as follows :

"Lineman, Timberman, Trammer for proper regulation of the work of Lineman and Timberman, one Lineman in each line extension gang and one Timberman in each cross barring are advance timbering withdrawal gangs will be allowed 2 extra increments on the basis of recommendation of SME/Manager concerned with effect from 1-9-1978. This will not however the result in increase of man power."

3. The Management has stopped this concession unilaterally without giving proper notice under Section 9-A of the Industrial Disputes Act, 1947. The management informed them on 21-6-1983 that the above provisions of getting two extra increments of Lineman, Timberman and Transmiers are waived as per Chief Executive Director's letter No. DO/

P.40/3823/1200 dated 11/12-5-1982. This is an internal circular circulated among their officers. They have not sent a copy to the Union. This unilateral action of the management violated the provisions of Industrial Disputes Act. Further they have informed in this letter that they are not going to extend this special concession for those workman who were enjoying Muccadams categories when the issue is before the Joint Bipartite Committee for coal industry. The management did not give any copy of their view points which was placed the Joint Bipartite Committee for coal industry. The Central Wage Board recommendations for coal industry provide in Chapter XVIII-A. Para 10 also provides that all existing higher and better rates of wages, allowances and emoluments and other service conditions, facilities and amenities are protected. The said paragraphs are as follows:—

"As we have stated earlier our recommendations on each issue are the minimum below which no concerns management shall be permitted to go. All existing higher and better rates of wages allowances, and emoluments and other service conditions, facilities and amenities which are more favourable than those recommended by us shall be protected. We also hope that the management of Collieries where such better conditions prevail will continue to give the lead towards higher levels of wages".

4. In view of the above, the Management of Singareni Collieries cannot go back for what they have agreed.

5. Sri Earla Pochiah, Timberman, No. 5-A Incline is acting as Muccadams in leave and sick vacancies and has gained good experience as Muccadams. He requested the management to promote him as Muccadams right from October 1962 onwards. When this was refused, he has appealed to the Grievance procedure and also to the Grievance Committee. The management never informed that the provision of granting two extra increments to Muccadams has been waived. And the while they were informing that the case of Sri Earla Pochiah would be examined for promotion and for granting of two extra increments in the same grade. He is rightly entitled to get two extra increments as per the agreement reached with the management on 28-9-1978. Hence they prayed that the workman concerned may be promoted as Muccadams and grant two extra increments to him as per the agreement. Hence the dispute.

6. The management filed reply statement. They stated that with a view to have long term industrial truce and uninterrupted production, a Memorandum of Settlement was arrived at between the Management of Singareni Collieries and (1) Singareni Collieries Workers' Union (2) Tandur Coal Mines Labour Union, on 28-9-1978 before the Regional Labour Commissioner (Central), Hyderabad. According to the Memorandum of Settlement certain Linemen, timbermen and trammers are allowed two extra increments. Clause 6 of the above settlement verbatim is as follows:

"Linemen, Timbermen and Trammers for proper regulation of work, one linemen in each line extension gang and one Timberman in each cross barring or advance timbering or withdrawal gang will be allowed two extra increments with effect from 1-9-1978, basing on the recommendation of SME/Colliery Manager concerned. This will not result in increase in manpower. The extra increments so granted shall be personal to themselves and get adjusted in the future revision of pay, if any."

Instead of giving Clause 6 of the Settlement in verbatim manner the Union conveniently omitted the last three lines which are as follows:

"The extra increments so granted shall be personal to themselves and get adjusted in the future revision of pay, if any."

7. At No. 5-A Incline there is one Timberman. He has been allowed extra two increments by implementing the agreement dt. 28-9-1978.

8. The Union's demand that Sri Earla Pochiah, Timberman may also be granted extra two increments just because he acted now and then in the absence vacancies of above two timberman is baseless. In the Settlement it is clearly mentioned that the two increments so granted will be personal to themselves and get adjusted in the future revision of pay and accordingly they get adjusted to N.C.W. A. III when Sri Earla Pochiah, does not stand of getting two extra increments as they are only two line extension gangs of No. 5-A incline and further the above provisions was served as per the Chief Executive Director's letter No. DU/P.40/3823/1200 dt. 11/12-5-82. The persons who were not covered as on the date of agreement should not be given extra increments. As per the above Circular as the extra increment given are personal they should not be quoted as precedent. There is no question of giving notice under Section 9-A of the I.D. Act, as the management does not bring about any change in service condition. Therefore the claim for extra increment is unjustified. They prayed that the reference may be dismissed.

9. Notices were served on the parties. The Management was represented. However, the workman did not appear and remained ex parte. He was set ex parte and ex parte Management evidence was recorded. The Management has examined M.W1 and marked Ex. M1.

10. There is no dispute that Sri Earla Pochiah was working as Timberman in No. 5-A Incline in Singareni Collieries Company Limited. M.W1 stated that he is working as Personnel Officer in Singareni Collieries Company Limited, Kothagudem. The Workers Union raised industrial dispute demanding sanction of two extra increments to Sri Earla Pochiah. He further stated that there was an agreement under which Muccadams who were working in the Mines are eligible for two extra increments. Under this agreement Linemen, Timbermen, Trammers will be given two extra increments on the basis of the recommendations of the concerned Manager with effect from 1-9-1978. But this should not result in the increase of manpower. The increment will be treated as personal to themselves. According to this two Timbermen Muccadams were sanctioned two extra increments at No. 5-A incline. Sri Earla Pochiah was acting as Timberman Muccadams in the leave vacancies. There are two line extension gangs at No. 5-A Incline. Therefore, there is no provision to sanction extra increments to Sri Earla Pochiah just because he happened to act in the leave vacancies. He marked Ex. M1 which is an agreement. In the list of the agreement Sri Earla Pochiah is not entitled for extra increments. He further stated that the reference was already terminated but it was restored on application.

11. It is clear from the evidence and also by the claim statement that Sri Earla Pochiah was working in the leave vacancies. He never worked as Timberman muccadams on regular basis. Further in No. 5-A Incline two line extension gangs are working. The management has already granted increments to two Timbermen muccadams in No. 5-A incline as per the agreement Ex. M1. Therefore, there is no question of granting two extra increments to Sri Earla Pochiah who has no right to the post of Timberman muccadams. It is clearly mentioned in the agreement that it should not amount to increase of man power. In such case, third man cannot be given extra increments where only two extension gangs are operating. Further the agreement envisages that the increments granted should be treated as personal and this would be adjusted in the future revision of pay. This fact was not mentioned in the claims statement. The Management is correct in stating that notice under Section 9-A of the I.D. Act is uncalled for as there is no change in the service condition. The claim of workmen is clearly unjustified. Therefore, I hold that the Management of Singareni Collieries Company Limited, Kothagudem are justified in refusing to grant two extra increments to Sri Earla Pochiah, Timberman, No. 5A Incline. The Workman is not entitled for any relief. The reference is answered accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me, given under my hand and the seal of this Tribunal, this the 7th day of October, 1967.

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses Examined
for the Workmen :

NIL

Documents marked for the Workman

NIL

Documents marked for the Management :

Ex. M1 True Copy of the Settlement arrived at U/S 12(3) of the I.D. Act, 1947, on 28-9-87 at Kothagudem between the Management of S.C. Co., Ltd., S. C. Workers' Union and the Tandur Coal Mines Labour Union over a charter of demands.

Dt : 13-10-87.

K. B. SIDDAPPA, Industrial Tribunal
[No. L-22012/121/83-D.III(B)]

का. आ. 3211.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, वेस्टर्न कोलफील्ड्स लि. सेमीनरी हिल्स, नागपुर के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-87 को प्राप्त हुआ था।

S.O. 3211.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Seminary Hills, Nagpur and their workmen, which was received by the Central Government on the 20th October, 1987.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case Ref. No. CGIT/LC(R)(61) of 1985

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Seminary Hills, Nagpur (M.S.), and their workman Shri G. S. Purushottam, Sr. Overseer (Civil) represented through the General Secretary, Chattisgarh Khadan Karkhana Mazdoor Union, Post Bankimongra, Distt. Bilaspur (M.P.).

APPEARANCES :

For Union—Shri Rambilash Shobhnath.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mine DISTRICT : Nagpur (M.S.)

AWARD

Dated : 14-10-1987

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-22012-(18)/84-D.V. dated 12th July, 1985 for adjudication of the following dispute:—

"Whether the action of the management of Western Coalfields Limited, Seminary Hills, Nagpur (Maharashtra) in denying promotion to Shri G. S. Purushottam, Sr. Overseer (Civil) to the post of Engineering Assistant in the scale of pay Rs. 722-1278

is justified ? If not, to what relief the workman is entitled and from which date ?"

2. Facts which no longer in dispute are that the workman was promoted in the Western Coalfields Limited as Senior Overseer from the post of Overseer on 12-3-1979. He possessed the necessary qualification of Higher Secondary and Civil Engineering (Diploma). In October 1982 departmental Promotion Committee was constituted for Promotion to the post of Engineer Assistant (Civil) in the scale of pay 722-1278 T & S Grade A of NCWA II. Though he also possessed the necessary three years experience but he was not recommended for promotion because he did not get minimum over all rating of performance as "good" for each year during the last three years. His rating were as under :—

1979-80—Good.
1980-81—Average.
1981-82—Average.

It is also the case of the management that D.P.C. was again held in 1985 and because his rating were as under he was not recommended for promotion by the D.P.C.

1981-82—Average
1982-83—Average
1983-84—Good.

The question arises whether denying him promotion on account of above confidential reports is justified or not ?

3. The plea of the management is that he was denied promotion on D.P.C. recommendations based on his confidential report. While the case of the workman inter alia is that these confidential reports were never communicated to him. Therefore on the basis of uncommunicated adverse remarks in his confidentials, should not have been release on to deprive him of his right of promotion on the basis of his seniority. The adverse remarks in the confidentials were not communicated to the workman is not specifically denied by the management in its pleading.

4. In support of his case, Shri G. S. Purushottam workman has given his own statement and on behalf of the management Shri Balram Sharma (M.W. 1) has been examined. In his cross-examination Shri Balram Sharma has admitted that D.P.C. was conducted according to the Cadre Scheme and as far as he knows in the Cadre Scheme good and above remarks for the last three consecutive years are not mentioned. The Cadre Scheme No. II (Circular dated 22-6-1984) also go to show that no such criteria is laid down except for the selection from Overseer the senior officer is required to be made on the basis of seniority-cum-merit and selection from Senior Overseer to Engineer (Assistant) is to be based on merit-cum-seniority. Therefore on the above basis it has been contended on behalf of the management that workman in his confidential report have average entries for two years. Therefore on the basis of merit he is not entitled to be promoted. In support of the case management has relied on the cases of Brooke Bond India (P) Ltd. and their workmen reported in SCLJ (1950—67) Vol. 5 p. 3499 where in it has been laid down that the promotion would be treated as the function of the management it should be left to their discretion, unless the same are based on malicious considerations or amounts to unfair labour practice. In the case of Workmen of M/s. Williamson Magor and Co. Ltd. Vs. M/s. Williamson Magor & Co. Ltd. and another (AIR 1982 SC p. 78) it was held that although promotion and upgradation is a managerial function it must not be on the subjective satisfaction of the management but must be based on some objective criteria.

5. In view of the above authorities the question arises whether uncommunicated confidential reports can be treated as malicious consideration or unfair labour practice and it can be said to be a proper objective criteria.

6. In this regard learned Counsel for management has contended that adverse remarks are not such remarks which are required to be communicated to the workman. On this point I am unable to agree with the learned Counsel. Any remark which affects adversely the promotion of the workman is an adverse remark. Generally average remarks are taken as harmless in a way when the performance of a workman is

neither good nor bad. It is an average performance. The average performance to my mind should not be made to affect the career of a person because most of the workers are average. Any way, this is beside the point. What I want to convey to the management is that if the supervising authority gives an adverse remarks at least it should be communicated to the workman so that it may serve the double purpose. Firstly the workman will have the chance to improve himself and if the adverse remarks are incorrect and maliciously then he will have the right to contest the same. This was denied to the present workman causing him injustice. The fact that average remarks were treated adverse by the D.P.C. on two occasions but the workman had no inkling of such remarks till he was actually superseded. Such a non-disclosure clearly goes to show malicious action against the workman. It cannot said to be an objective criteria or fair play if amounting to unfair labour practice.

7. In the case of Amarkant Chowdhury Vs. State of Bihar (AIR 1984 SC 531 and AIR 1974 SC p. 87 respectively) the following observations have been made by the Hon'ble Supreme Court :—

"Where the case of Deputy Superintendent of Police was not considered by the Selection Committee for promotion to Indian Police Service Cadre and his name was not included in the select list by the Selection Committee due to some adverse remarks in his confidential rolls which were either not communicated to him or against which the representation made by him remained undisposed of and though those adverse remarks had been expunged by the State Government, they were not removed from the confidential rolls and subsequent confidential rolls which contained entries favourable to the employee were not placed before the Selection Committee in its next meeting, the decision of the Selection Committee was vitiated."

8. For the reasons discussed above, I am of the opinion that denial of promotion to the workman on the basis of uncommunicated the so called adverse entry is not justified. I therefore answer the reference as under :—

That the action of the management of Western Coalfields Limited, Seminary Hills, Nagpur (Maharashtra) in denying promotion to Shri G.S. Purushottam, Sr. Overseer (Civil) to the post of Engineering Asstt. in the scale of pay Rs. 722-1278 is not justified. He is entitled to promotion and seniority as Engineer (Assistant) in the scale of pay Rs. 722-1278 (T & S Grade of NCWA II) with effect from 1-6-1983 the date on which others were promoted. He will also be entitled to difference of wages of the two grades from the same date. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-22012|18|84|D.V.|D.III(B)]

का. आ. 3212 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, वेस्टर्न कोलफील्ड्स लि. को कोरबा कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-87 को प्राप्त हुआ था।

S.O. 3212.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Korba Colliery of Western Coalfields Limited, and their workmen, which was received by the Central Government on the 20th October, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(59) of 1985

PARTIES :

Employers in relation to the management of Korba Colliery of Western Coalfields Limited P.O. Korba Colliery, District Bilaspur, (M.P.) and their workmen (Gotamakers) represented through the General Secretary, Chattisgarh Khadan Karkhana Mazdoor Union, Bankimongra, Post Office Bankimongra, District Bilaspur, (MP).

APPEARANCES :

For Union—Shri Rambilash Shobhnath.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mines, DISTRICT : Bilaspur (M.P.)

AWARD

Dated, the 12th October, 1987

By Notification No. L-22011(ii)/84-D.V. dated 12th July, 1985 the Central Government in the Ministry of Labour referred the following dispute, for adjudication :—

"Whether according to the term of item No. 4 of the settlement dated 20-1-1981 between the management of Western Coalfields Limited, Korba and the Chattisgarh Khadan Karkhana Mazdoor Union, Bankimongra signed before the RLC(C), Jabalpur, the management has to provide earth, water etc. at the workspot? If so, to what relief the workmen Gotamakers is entitled to?"

2. Relevant facts which no longer in dispute, are that Shri Shanker Bai and 8 others are working as Gotamakers with the management. They had filed an application under Section 33-C(a) of the I.D. Act before this Tribunal. That they are workwomen of the management and they are entitled to all the benefits. My learned predecessor vide order dated 20th March, 1979 in Case No. CGIT/LC(C)(767/78) (Ex. W/1) directed the management to pay wages of Group I piece rated workers with all incidental benefits as per National Wage Agreement. Their output per man day shall be so fixed that they get at least wages of category I time rated employees after doing full 8 hours work as per formula laid down in wage board recommendations. This order became final. However, controversy arose between the management and Chattisgarh Khadan Karkhana Mazdoor Union over implementation of the said order. The matter was seised in conciliation and was resolved vide settlement dated 20th January, 1981.

3. On the interpretation of Clause (4) of this settlement (Ex. W/2) that this dispute ultimately culminated in this reference. Clause (4) of the Agreement is reproduced below :—

"Agreed that the management shall provide the required material, i.e. claysand, water and coal at the work place and the cartridge will be loaded/supplied by the workers as per existing practices."

4. The management on the basis of the above settlement issued instructions dated 23-1-1981 (Ex. W/3). Relevant Clause (a) and (b) of which are given below :—

"(a) The existing practice of providing land, supplying sand, water, coal, in case of need by the management to the Gotta makers shall continue in terms of clause 4 of the settlement.

(b) The concerned workmen will load the finished and dried gotta meant for Surakachhar mine into the mine car/tub/truck which will be placed near the shed. Gotta meant for 3 and 4 inclines will be carried to the Incline mouth as per the existing practice by the concerned workmen."

It is this interpretation of the settlement that the management is insisting to be correct. On the other hand, case of the union is that by the settlement management has not only to provide sand, water and coal (as they are doing) at the work place, but they are also to provide the clay at the place of their work site.

5. The plea of the management is that they were being provided land, sand, water and coal at the work site as per existing practice prevailing before this settlement.

6. I am unable to accept this construction of the settlement for various reasons. Firstly the word "clay" has been used which means that in the instructions (Ex. W/3) the word "land" used is not correct. In this connection, it is pertinent to note that Shri A. M. Ghosh, Deputy Manager, Surakachhar Colliery has stated that the workers of this reference are supplied with all the material i.e. they supply them water, clay earth, sand very near to the place where they work. Sand was dumped, water was supplied by pipe line and clay was available on the spot in a ditch about 15 ft from the place of their work. He admitted in his cross-examination that the workmen used to carry the clay to the spot of their work from the ditch. According to Smt. Rameshwari Bai they have to work from 6 a.m. to 6 p.m. to dig out earth, bring water and sand and then mix the same inside the shed and prepare gotas. They have to bring earth from about 50 ft. distance.

7. From the above, it is crystal clear that they are still being provided earth near the place of work but not the clay as mentioned in Clause (4) of the settlement. The word "clay" as given in Oxford Dictionary, 3rd Edn. means "stiff sticky earth that becomes hard when baked, the material from which bricks, pots and earthen wares etc. are made". This clearly distinguishes the unprepared earth from clay.

8. Next reason for my above interpretation is that in the relevant Cl. (4) as for the supply material it was simply said that they agreed that the management shall provide the required material i.e. clay, sand and water and coal at the work place. Other clause added with conjunctive and relates to loading of cartridges and it is in that reference that the words "as per existing practice" has been used. The words "as per existing practice" does not relate to the supply of material. It appears that the management has taken the words "as per existing practice" as qualifying both clauses providing the material and loading of the cartridges which is not correct. This is apparent from the fact that the management in their instructions had to separate these two clauses and use words "as per existing practice" twice in clause (a) and (b) to explain their stand point. While in this Cl. (4) the words "existing practice" has not been used twice in relation to material and loading of cartridges.

9. There is yet another reason for this interpretation. Previous to this settlement the workwomen were required to supply 500 cartridges on a fixed wages. This settlement took place whereby now they are required to prepare 1000 cartridges to get the prescribed wages. They get over rate if they prepare more and therefore wages are deducted if they prepare less.

10. In the circumstances the reasonable interpretation would be that management conceded their demand to supply beside sand, water and coal at the place of their work, the clay as well to expedite their work within 8 working hours. It appears that the management is not supply the clay to them on their place of work. Therefore they have to take out the earth and prepare clay themselves consuming their more time.

11. For the reasons discussed above, to my mind the correct and reasonable construction of relevant cl. (4) of the agreement is that the management is required to supply material like clay (not earth lying in a ditch) water and coal on their work place. However, I am unable to agree with the union that the clay includes the mixed material. If that was the case the word "sand" would not have been mentioned. They are only entitled to clay on the work place so that they may mix it with sand, water and in case of need as per season the coal for drying them. This is as far as the interpretation is concerned.

12. Question arises what relief and remuneration they are entitled for their past services. Union has pleaded that to prepare clay from earth they have to dig the same, bring to the site. This takes them 3 to 4 hours extra work. Though their duty hours have been fixed from 7 a.m. to 3 p.m. (See Instructions Ex. W/3) Rameshwari Bai statement shows that they have to work from 6 a.m. to 6 p.m. i.e. four hours extra. I am of the opinion that in the absence of rebuttal minimum period mentioned in the pleading of the union i.e. 3 hours per day should be accepted as reasonable and proper.

13. In view of my above finding I answer the reference as under :—

That according to item No. 4 of the settlement dated 21-1-1981 between the management of Western Coalfield Limited and the Chattisgarh Karkhana Khadan Mazdoor Union, Bankimnagar signed before the Regional Labour Commissioner (Central) Jabalpur the management has provided Clay (not earth), water etc. at the work spot. Management have not done so on their own interpretation which is not correct. Therefore the workwomen are entitled to three hours overtime as per day wages calculated on the basis of the payment made to them per 8 working hours a day. This amount is to be paid to them with effect from 20-1-1981 till they are provided the clay, water etc. on the work site. Management will further pay Rs. 50 to each workwomen as costs of these proceeding.

V. S. YADAV, Presiding Officer
[No. L-22011/11/84-D.V/D.III(B)]

नई दिल्ली, 3 नवम्बर, 1987

का.आ. 3213.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स ए.पी. माइनिंग कारपोरेशन लि. के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-87 को प्राप्त हुआ था।

New Delhi, the 3rd November, 1987

S. O. 3213.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. A. P. Mining Corporation Limited, and their workmen, which was received by the Central Government on the 29th October, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL
(CENTRAL) AT HYDERABAD

INDUSTRIAL DISPUTE NO. 22 OF 1987

BETWEEN

Workman of A. P. Mining Corporation Limited,
Dwaraka Tirumala, W. G. District.

AND

The Management of A. P. Mining Corporation
Limited, Dwaraka Tirumala, W. G. District.
(A.P.)

APPEARANCES

M/s. A. K. Jayaprakash Rao, P. Damodar Reddy, Ch. Laxminarayana and V. N. Goud, Advocates for the Workmen.
None for the Management.

AWARD

The Government of India, Ministry of Labour in their order No. L-29012/46/85-D.III (B), dated 1-5-1987, referred this dispute which arose between M/s. Andhra Pradesh Mining Corporation Limited and Sri Nallamothula Ramanujiah, Mines Mate under Sections 7-A and 10(1)(d) of the Industrial Disputes Act, 1947 to adjudicate the following reference. The schedule is as follows :—

“Whether the action of the Management of M/s. Andhra Pradesh Mining Corporation Limited represented by their Mines Manager, Dwaraka Tirumala in dismissing Shri Nallamothula Ramanujiah, Mines Mate for misbehaving with his Foreman while the worker was on leave on 13-2-84 is justified? If not, to what relief is the worker entitled?”

The reference was registered as Industrial Dispute No. 22 of 1987. Notices were sent and served on the parties.

2. The Workman filed his claim statement. He stated that he was dismissed from service under Manager's letter dt. 4-4-1984 on the ground of misconduct. He stated that the impugned order is illegal and is passed against the principles of natural justice. The charges framed against him are neither based on facts or reasonable doubt. No reasonable opportunity was given to him in the so called departmental enquiry. The material forming the basis of the charge and a copy of the report of the preliminary enquiry were not made available to him along with the charge memo. He was not allowed to engage his co-worker to help him in the enquiry. The Foreman bore grudge against him. Therefore he fabricated this false story. The witnesses were tutored by him as he had control over them. There is no material to come to the conclusion that the three charges were proved. There is no direct evidence to prove the allegations. The Manager wrongly came to the conclusion that the charges are proved and inflicted highest penalty of dismissal. He was on leave on 13-2-1984 on which the incident alleged to have occurred. If really incident had occurred, the management ought to have filed criminal case against him. This is not done. This itself shows the falsity of the management case. He was, not allowed to engage any counsel to help him. The enquiry committee has not ensured open mind. The allegations levelled against him are fabricated. He is an active trade union worker and belongs to Schedule Tribe. The management would have accepted the explanation given by him and exonerated him of the charges. He was maintaining clean and honest service through his service period of 12 years. The members of his family are in starving condition. There is no other member to earn the livelihood. Hence he prayed for setting aside of the

dismissal order and restore him back into service with full back wages, continuity of service and with all other attendant benefits. Hence the petition.

3. The Management though served with notices of the Tribunal did not choose to contest the matter inspite of several adjournments given on 27-6-87, 14-7-1987, 29-7-1987, 19-8-1987, 2-9-1987, 22-9-1987 and on 8-10-1987. Therefore they were set *ex parte* and *ex parte* evidence was recorded.

4. The workman examined himself as W.W1 and marked Exs. W1 to W6.

5. W. W1 was appointed as Mines mate in the Respondent Corporation. He was promoted as Headman in the year 1978. He stated that he is the leader of A.I.T.U.C. of the Corporation. The misbehaviour alleged is false. As a matter of fact he was on leave on 13-2-1984. He gave his explanation to the show cause notice. This is marked as Ex. W1 in this Tribunal. No criminal case is filed on the ground of misbehaviour. He marked Ex. W3, W4 and W5 which are his conduct certificates. He stated that he was not allowed to have the assistance of his co-worker during the domestic enquiry. He was not allowed to cross examine the management witnesses. He stated that he is qualified Vth Class and does not know reading and writing of English. He marked Ex. W6 which is the dismissal order. He further stated that he tried to get alternative job but he could not get the same. The oral evidence of this witness is not rebutted.

6. The genuineness of the documents cannot be doubted. Ex. W1 is leave application of the workman. Under this document leave was sanctioned to him from 13-2-1984 to 17-2-1984. The incident is alleged to have been taken place on 13-2-1984. On that day he was on leave. Therefore it is doubtful whether the alleged incident took place on that day. Ex. W2 is explanation given to the show cause notice. He clearly narrated the facts which are in difference to the charges levelled against him. Ex. W6 is the impugned order under which the workman is dismissed. In this the appointing authority simply stated that the workman is dismissed from service with immediate effect for proved serious misconduct. There is no discussion on the findings of the Enquiry Officer. It is further stated in the impugned order that his past service record is considered. The workman filed Ex. W3, W4 and W5 these are conduct certificates of the workman. In these three documents it is consistently shown that the character and conduct of the workman are satisfactory. The petitioner stated in his evidence that he has only studied upto Vth class and does not know reading and writing of English. He was not allowed to cross examine the management witness. He was also not allowed to engage his co-worker to assist him in the domestic enquiry. Further he was not supplied with the documents relied upon by the management. These assertions are not rebutted or falsified. In the absence of rebuttal evidence there is no other go except to accept the contention of the workman as correct. In such case it should be held that the workman was denied reasonable opportunity in the domestic enquiry. He was seriously

prejudiced when copies of the documents were not supplied to him. Therefore certainly the principles of natural justice are not observed in the domestic enquiry. It is pertinent to note that the management did not chose to file criminal case against the workman. If really the workman misbehaved with the Foreman, the management would have filed criminal case against the workman. Seen from any angle the impugned order cannot be sustained. The appointing authority imposed extreme penalty of dismissal even without giving second opportunity to explain on the proposed quantum of punishment. This is also detrimental to the case of the management. The circumstances of the case indicate that penalty of dismissal imposed is quite disproportionate to the charges levelled against the workman. Even otherwise the impugned order cannot be sustained in as much as the worker was not given proper opportunity in the domestic enquiry and also there is no prima face case of the guilt of the workman.

7. Therefore, I hold that M/s. Andhra Pradesh Mining Corporation Limited, represented by their Mines Manager, Dwaraka Tirumala is not justified in dismissing Sri Nallamothula Ramanuiaiah, Mines Mate. The management is directed to reinstate the workman with continuity of service, full back wages and all other attendant benefits. Hence the award.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 15th day of October, 1987.

Sd/-, Illegible

INDUSTRIAL TRIBUNAL

Appendix of Evidence.

Witnesses Examined

for the Workmen :

W. W1 N. Ramanujaya.

Witnesses Examined

for th- Management :

NIL

Documents marked for the Workmen :

- Ex. W1 Casual Leave application of N. Ramanujaya.
- Ex. W2 Explanation dt. 31-3-84 submitted by N. Ramanujaya to the Mines Manager, A. P. Mining Corporation.
- Ex. W3 Service Certificate dt. 30-9-78 issued to N. Ramanujaya by Mines Manager, A. P. Mining Corporation Limited, West Godavari Distt.,
- Ex. W4 Service and Conduct Certificate dt. 2-8-80 issued to N. Ramanujaya by Mines Manager, A. P. Mining Corporation Limited, West Godavari Distt.,
- Ex. W5 Conduct Certificate dt. 10-4-82 issued to N. Ramanujaya by the Mines Manager, A. P. Corporation Ltd., West Godavar Distt., (A.P)
- Ex. W6 Dismissal Order dt. 4-4-84 issued to N. Ramanujaya by the Mines Manager, A.P.

Mining Corporation Limited, Branch Office, Dwaraka Tirumala.

Documents marked for the Management :

NIL

Dated 20-10-1987

K. B. SIDDAPPA, Industrial Tribunal

[No. L-29012/46/85-D.III(B)]

का.आ. 3214.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, चिरिमिरी कोलियरी ऑफ वेस्टर्न कोलफील्ड्स लि. के प्रबंध तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-87 को प्राप्त हुआ था।

S.O.3214.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chirimiri Colliery of Western Coalfields Limited, and their workmen, which was received by the Central Government on the 27th October, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.).

CASE NO. CGIT/LC(R)(13) of 1986.

PARTIES :

Employers in relation to the management of Chirimiri Colliery of W.C.L., P.O. Chirimiri Colliery, Distt. Surguja (M.P) and their workman Shri M. L. Banerjee, Sr. Store Keeper, Chirimiri Open Cast Mines. At & P. O. Korea Colliery, Distt. Surguja (M.P).

APPEARANCES :

For workman.—Ku. Anjali Banerjee, Advocate.
For management.—Shri P. S. Nair, Advocate.

INDUSTRY : COAL.—DISTT. SURGUJA (M. P.)

AWARD

Dated : 19-10-1987.

Exercising powers conferred under Sec. 10(1) (d) (2A) of the Industrial Disputes Act, 1947 the Central Government has referred the following dispute for adjudication vide Notification No. L-22012(44)/85-DV., dated the 14th January, 1986

SCHEDULE

“Whether the action of the management of Dy. Chief Mining Engineer, Chirimiri Colliery of WCL in dismissing the services

of Shri M. L. Banerjee, Senior Store Keeper of Chirmiri Colliery vide letter No. WCL/CC/CS/83/14669-77, dated 18-9-83, is justified? If not, to what relief the workman is entitled?"

2. On receipt of the order of reference, parties filed their pleadings and documents on the basis of which certain issues were framed and the case was fixed for arguments on preliminary issues regarding legality of the enquiry and entitlement of management to lead evidence before this Tribunal. Arguments were heard on 8-9-86 and by an order the enquiry was vitiated and the management was given opportunity to prove the misconduct before this Tribunal. On 30-3-87 parties requested for time to file settlement and ultimately filed the same on 31-8-1987, the terms of which read as under :

TERMS OF SETTLEMENT

- (a) That the management will reinstate Sri M. L. Banerjee, Sr. Store Keeper.
- (b) That the period from the date of dismissal i.e. 18-9-83 till the date of reinstatement will be treated as dies-non and Sri M. L. Banerjee will not be entitled for any wages for the period he remained out of employment.
- (c) Sri M. L. Banerjee will however be given continuity of service and the period of absence i.e. from the date of termination till the date of reinstatement will be treated as dies-non.
- (d) Neither the workmen, nor anybody of his behalf will claim any other benefit for the period he remained out of employment other than the once stated above.
- (e) This settlement settles of the dispute between the parties fully and finally.
- (f) The settlement shall however, not be treated as precedent in any other case.

3. The settlement has been signed by the workman himself and the representative of the management and verified by the Counsel for both the parties.

4. On perusal of the terms of settlement, I find that they are legal, fair and favourable to the workman. I, therefore, accept the same and give my award in terms of the settlement mentioned above.

No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-22012/44/85-D.V]

V. K. SHARMA, Desk Officer

नई दिल्ली, 26 अक्टूबर, 1987

का. आ. 3215:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, हाई पावर ट्रांसमीटर आकाशवाणी के प्रबंध-

तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 26th October, 1987

S.O. 3215.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of High Power Transmitter, All India Radio and their workmen, which was received by the Central Government.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 75/86

In the matter of dispute between :
S/Shri Surinder Singh,
Shri Ram and Shri Radhey Shyam,
through the General Secretary,
Delhi Labour Union, Agarwal Bhawan,
G.T. Road, Tees Hazari, Delhi-54.

Versus

The Superintending Engineer
High Power Transmitter,
Khampur, Delhi-56.

APPEARANCES :

Shri C. P. Aggarwal—for the workmen.
Shri Narinder Chauchary—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its notification No. L-42012/8/85-D.II(B) dated 29th October, 1986 has referred the following industrial dispute to this Tribunal or adjudication.

"Whether the action of the management of High Power Transmitter, All India Radio, Khampur, Delhi-36 in imposing recovery of Rs. 500 from the salary of S/Shri Surinder Singh, Shri Ram and Shri Radhey Shyam all Security Guards vide order dated 9-4-84 is justified. If not, to what relief these workmen are entitled to?"

2. Some of the undisputed facts are that the workmen S/Shri Surinder Singh, Shri Ram and Radhey Shyam were employed as security guards at the High Power transmitter of all India Radio Khampur, Delhi-36 (hereinafter referred to as the Management) On the night between 2 and 3-3-84 when these workmen were on duty, a theft of 40 kg copper wire from the feeder line of Delhi-A Transmitter took place which caused interruption in the Delhi-A Transmitter working. An ex parte preliminary enquiry was conducted by Behari Lal Station Engineer and the three workmen were held responsible for the loss due to their negligence and lack of devotion to their duties and a penalty of recovery of Rs. 500 from salary of each of the workman was imposed vide order dated 9-4-84.

3. The workman have challenged the order of imposition of penalty of recovery of Rs. 500 from each of them as bad, unjust, illegal and mala fide on the grounds that the workmen were detailed on duty for long hours viz 36-24 hours without any rest, interval and it is humanly impossible to maintain, perform and to remain alert on duties for such long periods without rests; that the workers have to guard a long area and one round takes about 1-1/2 hours. The fencing of the area is lying broken for several years and the department has not taken care to get it repaired and it has become too easy for the miscreants to enter the premises; that there was complete breakdown of the electric light in between 12.15 AM and 3.30 AM on the night of theft for which reason nothing was visible and

torches were not supplied to the workmen nor any other arrangement was provided that in the past several thieves were caught redhanded by these workmen and culprits were later on sentenced and convicted by the courts; and that if a proper band would have been applied the impugned order's would not have been passed but the workmen cannot be punished arbitrarily without any charge sheet or without giving any opportunity of being heard.

4. The case of the Management is that the workmen are Civilian employees and governed by the C.C.S. Rules and the impugned order has been passed after an enquiry had been conducted and the workmen had been given opportunity of being heard. The workmen can only file civil suits and the jurisdiction of this Tribunal is barred. It was further stated that the impugned order dated 9-4-84 is legal and lawful and that the peoniers were never detained on duty beyond their working hours and they were given duty beyond working hours on their own request and they were paid overtime wages for the same. It is the duty of the workmen to remain alert and perform duty which is to guard the premises. The warding and leaving of the premises is in order and the workmen cannot have the benefit of clause of lighting on the day of theft as they are given torches for keeping watch in the premises.

5. The legal objection that the workmen should file a civil suit and that the jurisdiction of this Tribunal is barred, is without any substance because the Industrial Disputes Act provide effective remedy for the settlement of disputes between the workmen and their employers in an 'Industry'. It has been held umpteen times that the A.I.R. is an 'Industry' and therefore, I. D. Act is applicable to it. The workmen are not obliged to go to Civil Court and they can seek redressal of their grievances under the I. D. Act. In the present case the Central Government which is the Appropriate Government in the case of the workmen has referred the dispute to this Tribunal for adjudication. Hence the objection raised by the Management is rejected.

6. It cannot be disputed that the employees of All India Radio are governed by the Central Civil Services (Classifications Control & Appeal) Rules in short CCS(CCA) Rules, and the same shall be applicable to the workmen subject to the over riding provisions of Section 25-J of the I.D. Act. The penalty of recovery of Rs. 500/- from each of the workmen imposed by the Management is only a minor penalty as per rule 11(ii) of the CCS(CCA) Rules. The Management has contended that it has taken the action against the workmen under rule 16(1) of the CCS(CCA) Rules which for the the facility of reference is reproduced below :—

"16. (1) Subject to the provisions of sub-rule (3) of Rule 15, no order imposing on a government servant any of the penalties specified in clause (i) to (iv) of Rule 11 shall be made except after—

- (a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;
- (b) holding an inquiry in the manner laid down in subrules (3) to (23) of Rule 14, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
- (c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
- (d) recording a finding on each imputation of misconduct or misbehaviour; and
- (e) consulting the Commission where such consultation is necessary."

I have gone through the relevant file No. 1(a)secret/84 of the Management produced by it in this regard and I am of the opinion that the Management has fully complied with the provisions of the Rules. On the basis of the preliminary inquiry report submitted by Mr. Bachan Lal Station Engineer dated 12-3-84, the workmen were served with a memorandum

No. 1(9) Secret/84/45-47 dated 20-3-84 whereby they were informed that it was proposed to take action against them under rule 16 of the CCS(CCA) Rules and statement of imputation of misconduct or misbehaviour on which action was proposed to be taken was attached therewith and the workmen were given an opportunity to make such representation as they may wish to make against the proposal. The workmen actually filed their representation in reply to this memorandum. Although it was a matter of subjective satisfaction of the disciplinary authority whether to accept the representations or not, it may yet be observed that the workman Siri Ram almost confessed his guilt by stating that he was unwell and had and had been sitting at the gate and had not taken any rounds. Even the other two workmen stated that after the round made made at 2000 AM they had taken the round at 400 AM by which time the theft had taken place. The Disciplinary Authority in his order dated 9-4-84 whereby the penalty of recovery of Rs. 500/- from each the workman to recover the loss was imposed has recorded a reasoned note and duly taken the representations of the workmen into consideration. Therefore, the allegations of the workmen that they were not served with any charge sheet or given opportunity to explain their conduct or that the Disciplinary Authority had not applied its mind are proved to be false and are rejected. The action taken by the Management is in conformity with the rules and no principles of natural justice have been violated. Hence the action taken by the Management is held to be justified and the workmen are not entitled to any relief. This reference is disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

31st August, 1987.

G. S. KALRA, Presiding Officer
[No. L. 42012/8/85-D.II (B)]

नई दिल्ली, 28 अक्टूबर, 1987

का. आ. 3216 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नारदर्न रेलवे के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 28th October 1987

S.O. 3216.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on the 15th October, 1987.

BEFORE SHRI G. S. KALRA : PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NEW DELHI

I. D. No. 85/87

In the matter of dispute between :

Shri Ram, Driver,
O.H.E. Under C.T.F.O. Patel Nagar,
New Delhi.

Versus

The Divisional Electrical Engineer,
Traction Distribution, D. R. M. Office,
Northern Railway, New Delhi.

APPEARANCES :

Shri Nirmal Singh-with the workman.
Shri R. S. Tyagi Asstt. Supd. for the
Management with Sh. Shaukat Ali Advocates.

AWARD

The Central Government in the Ministry of Labour vide its notification No. L-41012/26/86-D. II(B) dated 1-9-87 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of D. E. E., T. D. R., D. R. M. Office, Northern Railway, New Delhi in terminating Shri Ram, Driver from service w.e.f. 17-1-86 is legal and justified? If not, to what relief and from what date, the concerned workman is entitled?"

2. Notice was sent to the Management and the Management filed a petition intimating that the workman had jointly with another workman Gursharan Singh filed an application on the same grounds before the Central Administrative Tribunal Principal Branch, Faridkot House, New Delhi and the dispute could not proceed before two Tribunals at the same time. The workmen made a statement that he did not want to pursue this case as the same dispute is pending before the Central Administrative Tribunal. Under the circumstances the reference disposed of accordingly for non prosecution.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central government for necessary action at their end.

G. S. KALRA, Presiding Officer

[No. L. 41012/26/86-D.II(B)]

9th October, 1987.

का. आ. 3217 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, जनरल मैनेजर वेस्टर्न रेलवे, बम्बई आर जी ई (एस एण्ड सी) वेस्टर्न रेलवे के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3217.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Western Railway Bombay and G.E. (S&C) Western Railway, and their workmen, which was received by the Central Government on the 20th October, 1987.

BEFORE SHRI C. G. RATHOD, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
AHMEDABAD

Reference (ITC) No. 12 of 1986

ADJUDICATION

BETWEEN

The General Manager,
Western Railway,
Head Quarters Building,
Chuch Gate, Bombay

—First Party.

AND

Paschim Railway Karamchari
Parishad, Rajkot-18,
Sarasawati Nagar,
Inna Acher, Sabarmati,
Ahmedabad

—Second Party.

STATE: Gujarat.

INDUSTRY: Railway.

AWARD

By an order No. L-41011/20/85-D.II(B) dated -11-86 the Desk Officer, Ministry of Labour, New Delhi in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the dispute as stated in the Schedule at Ex. 1 to the Industrial Tribunal, Ahmedabad and in that view of the matter the reference has been placed before me for adjudication. The Schedule which refers to the dispute is as under :

"Whether the Railway Administration is justified in recovering the penal rent w.e.f. August 1982 to November 1984 from Shri Sharma, PWI, Rajkot for alleged illegal occupation of quarter by him at Rajkot? If not what relief the workman Shri Sharma is entitled to?"

"Whether the Railway Administration is justified in not paying Shri S. B. Nigam, IOW, Kalol difference of wages with due increments and survey allowance while serving in the project alongwith the House Rent allowance etc.? If not, what benefit Shri Nigam is entitled to?"

2. The Paschim Railway Karamchari Parishad, known as Parishad for the sake of brevity, has submitted the statement of claim at Ex. 3 and it is stated therein as under : "that Shri F. C. Sharma is working as a Permanent Way Inspector at Rajkot; that he was allotted a Rly. quarter; that in June 1982, he was transferred from Rajkot to Jamnagar. It is alleged that this was done with a view to victimise and harass Mr. Sharma especially when the Railway Administration know that his wife was a Chronic Asthma patient and has been operated upon. It is further averred in the statement of claim that in order to further victimise him Railway did not like that Mr. Sharma should continue at one place at a district place like Jamnagar, where all medical facilities are available, that he was frequently shifted by different transfer orders. He was transferred from 18-6-82 to 5-11-84 at different places as under :

- (i) Joined at JAM on 18-6-82.
- (ii) Transferred to Lalpur and joined on 7-8-82 (a small town).
- (iii) Transferred to Goap a small town and joined on 18-10-82.
- (iv) Transferred to Bhanwad a small town and joined on 21-2-83.
- (v) Transferred to Lalpur a small town and joined on 2-7-1983.
- (vi) Transferred to Bhanpur a small town and joined.
- (vii) Transferred to Bombay a small town and joined on 7-8-84.
- (viii) Transferred to Ratlam a small town and joined on 15-9-84.
- (ix) Transferred to Kota a small town and joined on 5-11-84.

It is the case of the Union that this was done by the Railway Officials even though they knew that Shri Sharma's wife has in need of medical aid and his children are schooling. It is further the case of the union that in absence of any stable station where educational and medical facilities were readily available, Shri Sharma was forced to keep his family at Rajkot for medical care for which he applied for retention of quarter. It is further the case of the union that in spite of the fact that the Railway knew that Mr. Sharma was frequently shifted from one station to another, the Railway started recovering penal rent from Mr. Sharma especially when he was duly allotted accommodation. It is the case of the union that the Railway Officials deliberately shifted him from one station to another and thus he was deprived of the family life and his children were deprived of the care from their father. It is the case of the union that not only the Railway Administration recovered the penal rent but they charge sheeted Mr. Sharma for not vacating the Railway quarter and for that his name was stopped and he was penalised for the same offence for not vacating the

quarter. It is, therefore, prayed that the penal rent recovered from Mr. Sharma be refunded with interest; that he be compensated for the mental torture and victimisation he suffered due to these transfers.

3. Claim No. 2 :—

As regards the claim of Mr. S. B. Nigam who was working as Inspector, it is stated that he was working under Engineer-in-Chief (Survey) in scale 205—280 (A) upto 3-3-72. Then he was promoted to scale 250—380 (A) from 4-3-72. It is the case of the union that as per the 13th Pay Commission, the two grade of Inspectors viz. 205—280 (A) and 250—380 (A) were merged into a single grade 425—700 (R) w.e.f. 1-1-73. Thus Mr. Nigam was fixed at Rs. 485 from 4-3-73. It is further the case of the union that the Executive Engineer (S) Ajmer informed him on 5-2-74 that he was reverted from scale 250—380/525—700 to 205—280/425—700 as both the grades were merged into 425—700 (R) only from 1-1-73. It is the case of the union that even after the reversion, Shri Nigam was continued on a higher grade post i.e. 250—380/425—700 (R)(Exl) though he was paid less wages i.e. @ Rs. 455 instead of Rs. 485. It is alleged that the above action is nothing but reduction of wages i.e. a penalty which can only be had after following the procedure, which was not followed, thus the reduction of wages from Rs. 485 to Rs. 455 in scale Rs. 425—700 (R) is wrong. It is further the case of the union that Mr. Nigam has worked on Ratlam-Banswara Survey during July, 1974 to March, 1975, but that survey allowances was not paid to him earlier; that it was sanctioned at a later date. Thus Mr. Nigam is entitled to Survey allowances after deducting the House Rent paid to him for that period. Similarly, it is the case of the Parishad that Mr. Nigam has worked over Nadiad-Kapadvanj-Modasa-Shamlaji Road survey under similar conditions during October, 1973 to January, 1974, but he was not paid survey allowances on the ground that there was no provision in the estimate. It is contended that the concerned workman was not at fault if there is no provision in the estimate and that the Rly. should have asked the sanction. It is thus prayed that the concerned workman be paid his wages @ Rs. 435 for the period from 5-2-74 to 31-3-75; that he should also be paid survey allowances for the two surveys after deducting the house rent allowance alongwith cost of the reference.

4. The Western Railway has filed its written statement with the statement of claim at Ex. 4-A. So far as claim No. 1 is concerned, it is admitted that Shri Sharma is working as PWI and presently he is working at Kishanganj. It is denied that he was transferred from Rajkot to Jamnagar in the year 1982 in order to victimise him. It is further stated that Shri Sharma who is working under XEN(C)/RT had to be transferred in the interest of Railway work from Rajkot to Lalpur and from Lalpur to Gopa to Bhanwad and back to Lalpur. It is further stated that the nature of PWI work is such, that a PWI has to be transferred from one station to other, when work at a particular station gets completed. It is contended that thus his transfer is only in the interest of the work as the VOP work was to be completed by certain target date fixed and that there was no any malafide intention as alleged. It is further contended that if the railway employee is transferred from one station to other, he has to vacate the quarter on completion of the permitted period and if not, the possession of the quarter will be treated as unauthorised occupation of the quarter and Administration is empowered to initiate DAR proceedings against the employee. In short, it is contended that the action has correctly been taken for not vacating the quarter by Shri Sharma as per policy instruction laid down by the Railway Board that penal rent was recovered as per extent rules. It is further contended that the Survey and Construction Department is a temporary department functioning in connection with the Five Year Plans where workcharged posts are sanctioned for short duration and are extended from time to time according to availability of funds and quantum of work to be done on projects. It is contended that the work-charged posts are filled in by transferring the employees from other permanent department and these employees while working in Survey and Construction Department maintain their lien/paper position in their parent department. Thus it is contended that Shri Sharma is not eligible for any relief as prayed by him.

5. As regards the case of Mr. Nigam, it is stated that the promotion of Mr. Nigam from one grade to other was purely on adhoc basis for certain period, but not on regular basis and hence he was not eligible for considering fixation with reference to his officiating pay as IOW in the scale of Rs. 250—380 (AS) when he was not regularly promoted in that grade. It is contended that his pay was fixed @ Rs. 455 in grade Rs. 425—700 (R) after merging of two grades and as he was officiating on adhoc basis in grade Rs. 250—380 (A), that grade was not considered while fixing his pay. Thus it is contended that there was no question of penalty and as regards the survey allowances for Nadiad-Kapadvanj-Modasa survey work and on Ratlam-Banswara survey work, it is stated that there was no provision in the sanctioned estimate and the survey allowance is paid only when there exists such provision in the sanction estimate and, therefore, it is contended that Mr. Nigam is not entitled to any of the relief as prayed.

6. At the time of hearing, one Mr. B. K. Sharma appeared for the Parishad and Mr. G. L. Banswari appeared for the Western Railway. It may be stated that though Mr. Banswari appeared on the date, Mr. Sharma was examined, he did not appear afterwards and hence two notices were issued to the Western Railway by registered post and we have the acknowledgements thereof on record and it is at Ex. 9/B and another at Ex. 12. The Railway Administration it appears has not appeared in spite of these two notices by Regd. post. I have, therefore, heard the argument of Mr. Sharma on behalf of the Parishad.

7. There are two claims in the present reference. One is with regard to Mr. P. C. Sharma and other is with regard to Mr. S. B. Nigam. I must take up the case of Mr. Sharma. Mr. Sharma has also been examined at Ex. 3 and he has deposed in his evidence that he was posted as RWI at Rajkot in June, 1976 and that he was allotted a railway quarter. He was required to work on Virangam-Okha metre gauge. Virangam-Okha was metre gauge and it was turned into Broad Gauge line and according to him he was transferred at different places. It appears as stated in the statement of claim that he was first transferred to Jamnagar in June, 1982. He joined at Jamnagar on 18-6-82 and thereafter he was transferred to different places such as Lalpur, Bhanpur, Bombay, Ratlam, Kota, etc. as stated above. Thus it is clear that from 18-6-82 to 5-11-84, during the period of one year and five months, he was transferred at nine different places. It is his positive say that the Railway Administration knew that his wife was suffering from Asthma and his children were taking education. According to him, he informed the Railway Administration about it and further told them to transfer him at such a place where the medical facility was available, but in spite of the same, he was transferred at different places with a view to harass him. It appears from the transfer order vide Ex. 9/5 that Mr. Sharma who was officiating as PWI was transferred from Rajkot to Jamnagar. It appears that one Shri Munion N. who was working at Bombay was transferred to Rajkot in the place of Mr. Sharma. Mr. Sharma was transferred to Jamnagar. It, therefore, appears that Mr. Sharma was transferred to Jamnagar just to accommodate some other workman who was transferred in his place. It is not meant to be suggested that the Railway Administration has no right to transfer a person from Bombay to Rajkot and vice versa. The transfer is the right of the management, but in the instant case, we find that the concerned workman was transferred at 9 places within a period of about seventeen months and that the Railway Administration merely stated in their written statement that this was done in the interest of the Railway Administration work. No such evidence has been adduced by the Railway Admn. to show that the transfer as above, was absolutely essential in the interest of carrying out the work that the Railway Admn. has taken up itself such as the work for Virangam-Okha Project at Jamnagar and continued Mr. Sharma at Rajkot. Again the Rly could have directly transferred Bombay main. It is stated by Mr. Sharma the concerned workman in his evidence at Ex. 5 that he did inform the Railway Admn. that his wife was suffering from Asthma and his children were schooling and they be permitted to continue the quarter. However, it appears that the Railway Admn. did not allow the concerned workman to continue to occupy the quarter since he was transferred from Rajkot. It is true

that in the ordinary circumstances, we would not have interfered with the administrative order passed by the Railway Admn. in recovering the penal rent, but in the instant case, it is quite clear that the Railway Admn. could not justify as to how the orders of transfer of Mr. Sharma at different places during a short span of seventeen months was in the interest of the Railway Admn. It appears that at some places he was not allowed to work for a month and at some places not more than 2/3 months. In such a situation, it would be unjust and improper for the Railway Admn. to have recovered the penal rent from Mr. Sharma who had occupied the quarter at Rajkot. The Railway Admn. did not allow him to settle at one place. They went on transferring him from one place to another. This was quite unfair and perhaps it was with a view to victimise the concerned workman. In any case, in this matter, I do not think that the Railway Admn. was right in recovering the penal rent from 5-8-82 and onwards. In the circumstances, I allow the claim of Mr. Sharma and order that the penal rent recovered from him be refunded to him. As regards withholding of privilege pass being a minor punishment, no relief need be granted.

8. As regards the case of Mr. Nigam, there is a very narrow compass of facts. Admittedly, he was working as Inspector of Works under Engineer-In-Chief (Survey) in the scale of Rs. 205-280 (A) and further he has worked in the scale of Rs. 250-380(A) from 4-3-72. It appears that the Third Pay Commission suggested that the two grades of Inspectors be merged into a single grade Rs. 425-700(R) w.e.f. 1-1-73. Mr. Nigam was working in the grade of Rs. 250-380 and his pay was also fixed at Rs. 485 from 4-3-73. Further, it however appears that on 5-2-74, Mr. Nigam was reverted to the officiating grade of Rs. 205-280. Thus he was reverted as per the order by Executive Engineer (Survey) Ajmer. The relevant part of the order is as under :

"In terms of CE (S&C) CCGS memorandum No. E/839/37/S&C dated 30-1-74 Shri S. B. Nigam, Offg. low grade Rs. 250-380(A) working in this office is reverted as Offg. a low scale Rs. 205-280(A) w.e.f. 5-2-74 (BN) and retained in this office as Offg. A low against the post of low grade Rs. 250-380(A) to be operated in lower grade".

9. Now the Railway Admn. has contended in the written statement that Mr. Nigam's promotion was purely on ad-hoc basis for certain period and not on regular basis and hence he was not eligible for considering the fixation of pay with reference to his officiating pay as he is now in the scale of Rs. 250-380. It appears that unfortunately the Railway Admn. did not produce any record to show that he was promoted purely on ad-hoc basis for certain period. It has to be noted that the Parishad has produced a copy of the Note No. 1 Rule 7 in 3rd Pay Commission published in Western Railway extra ordinary Gazette dated 24-11-73 and therein it has been stated that where a Railway servant is holding a permanent post and is officiating in a higher post and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub rule with reference to the officiating post only, provided he has continuously officiated in that post for not less than one year as on the 1st day of January, 1973, and the pay so fixed shall be treated as substantive pay.

10. The Parishad has also produced a copy of the letter of Executive Engineer Ratlam to Senior Accounts Officer dated 7-7-76 Ex. 9/3 wherein certain grounds as regards the fixation of pay of Mr. Nigam are stated. After stating that both the grades were merged in a single grade of Rs. 425-700(E) w.e.f. 1-1-73, it is stated as under :

"The employee had completed one year officiating period in the grade 205-280(A) on 25-11-70 (before revised scale came into effect) and in the grade 250-380 (A) on 4-3-73 (i.e. immediately after revised scale came into effect)".

It is further stated by Ex. Engineer to Senior Accounts Officer in Ex. 13 that the employees contention is that after the merger of the two grades into one single revised grade, this reversion is ineffective and invalid and he should be allowed to draw the pay fixed in the revised scale with re-

ference to higher officiating pay in view of the fact that he has already completed one year's officiating period in that grade. It appears from what has been stated as above that the remarks of Ex. Engineer to Senior Accounts Officer were based on the fact that Mr. Nigam has continuously officiated in the higher post for not less than one year as on 4-3-73. New scales were made applicable from 1-1-73, but the concerned workman continued to officiate in the higher post and as such there was no question of issuing any certificate which was otherwise necessary. The appointing authority was required to certify that he would have continued to officiate in the higher officiating post during this period has the revised scale not been introduced. The case of Mr. Nigam is that he should be paid difference as his pay was reduced to Rs. 30/- p.m. as it was fixed on the basis of the scale of Rs. 205-280. It appears that in the fixation card the amount has already been shown as 485/- from 4-3-73. In that view of the matter since no certificate is necessary now there is no difficulty in granting the difference from 5-2-74 to 31-3-75.

11. As regards the Survey allowances for the two surveys, after deducting the house rent allowance we find from the copy annexed with the statement of claim that so far as the survey allowance of Nadiad-Kanadvanj-Modasa-Shamlaji Road is concerned there was no provisions for survey allowance. It is stated that the payment cannot be arranged and as regards the survey allowance of Ratlam-Banswara survey it is stated that the sanction of survey allowance is recently received and this can be paid after finalisation of the pay and the survey allowance is to be paid on the percentage basis. Therefore, the only question is whether the survey allowance is to be paid to Nadiad-Modasa survey. It has been pointed to me by Mr. B. K. Sharma for the Parishad that there is a circular as to how the survey allowance is to be paid. It is his say that the letter from the Railway Board dated 5th December 1975 and it inter alia states that construction or survey allowance be granted to all the Rly. employees, gazetted (upto the rank of Inter administrative Officers only) and non-gazetted when they are employed on construction or survey projects (for New Lines, restoration or surveys) at the rates given below, and it is stated that the staff drawing pay upto Rs. 600 15 per cent p.m. It therefore, appears that the survey allowance should have been paid to Mr. Nigam for his having worked on Nadiad-Modasa line. We do not know whether really survey allowance is being paid by the Rly. Admn. or not but if it has not paid so far it would be just and proper that it is paid to Mr. Nigam. Prima facie, I am inclined to state so as there has been no evidence on behalf of the Rly. Administration and there is nothing to show that Rly. Board's letter as above which has been referred showing that 15 per cent p.m. has to be paid as survey allowance would not be applicable in a case where there is no provision to sanction of this work. I am particularly referring to this fact as the only contention raised in the written statement is that survey allowance is not or cannot be granted where there is no provision to sanction in the estimate of this work. It is in these circumstances that I am inclined to think that Mr. Nigam was entitled to survey allowance also; In the circumstances, I pass the following order :

ORDER

The Western Railway Administration shall pay to Shri F. C. Sharma, Permanent Way Inspector, who is working at Kishangarh Station of Western Railway, the amount of penal rent recovered from Mr. Sharma from August, 1982 to November, 1984 for his occupying Railway Quarter at Rajkot. This amount shall be paid to Shri Sharma by the Rly. Admn. within two months from the publication of this award. No order as to costs.

The Western Railway Administration shall also pay the difference in the amount of wages on the basis that the wages of Mr. Nigam is @Rs. 485 p.m. for the period from 5-2-74 to 31-3-75.

The Western Railway Administration shall also pay to Mr. Nigam the survey allowances for the two surveys (1) Ratlam Banswara Survey carried out by him from July 1974 to March, 1975 and (2) Kanadvanj-Modasa-Shamlaji Road survey carried out by him from October, 1973 to January 1974. The survey allowances shall be paid on the basis of Railway Board's letter dated 5-12-75. This amount shall be paid

to him after deducting the house rent allowance. The aforesaid amount shall be paid to him within two months from the publication of this award. No order as to costs.

Ahmedabad, 25th September, 1987.

C. G. RATHOD, Presiding Officer
[No. L-41011/20/85-D.II(B)]

का. आ. 3218:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल सिल्क बोर्ड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3218.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Silk Board and their workmen, which was received by the Central Government on the 16th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE

Dated 7th Day of October, 1987

Sri B. N. Lalge, B.A. (Hons) LL.B., Presiding Officer

Central Reference No. 64/87

Old Central Reference No. 29/86

FIRST PARTY

The President,
Central Silk Board Drivers and V/s
Staff Union, Subedar Chatram Road,
Bangalore-560009.

SECOND PARTY

The member-secretary,
Central Silk Board, United
Mansion, 2nd Floor,
39, Mahatma Gandhi Road,
Bangalore-560001.

APPEARANCES

For the First Party—Sri B. N. Vijaya Kumar, President
For the Second Party—Sri Shivaraj Patil, Advocate.

AWARD

The Government of India by its Order No. L-42011/8/84-D.II(B) dated 6-11-1986 made the present reference on the following points of dispute.

POINT OF DISPUTE

"Whether the strike by the workmen of the Board from 17-5-84 to 24-5-84 was legal and justified, and if so, whether the workmen are entitled to full wages for the said period and are also entitled to claim that the period should be treated as duty."

2. During the course of Tribunal the parties have arrived at a compromise and first party has filed a memo praying for permitting it to withdraw the memo dated 9-9-87 and to pass an award in terms of the memo of the second party dated 9-9-87.

3. There after this Tribunal has passed an order as shown below —

Order and Award.—The memo filed by the first party dated 9-9-87 is perused. I find that the first party shall be permitted to withdraw the same. Accordingly the first party is permitted to withdraw the same. The memo dated 9-9-87 filed by the second party is gone through and I find that it is beneficial to the workmen and should be allowed in the interests of justice. It is allowed and an award is passed

in terms of the same. It shall form part of the award.

(Dictated to the Secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-42011/8/84-D.II(B)(Pt.)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BANGALORE

C.R. 64/87

(Old No. 21/86)

I PARTY

President,
Central Silk Board,
Employees Union,
Bangalore.

II PARTY

Central Silk Board,
Bangalore.

MEMO

The II Party herein files the following memo in the above case.

As per the suggestions of the Honorable High Court of Karnataka, Bangalore in W.P. 1751/85, the Central Silk Board had agreed to comprise the matter regarding the regularisation of the strike period from 17-5-84 to 24-5-84 on the following terms:—

(1) Payment of salary for the 4 days of the strike period and treating the said four days as on Earned Leave.

(2) Treating the remaining four days as an extraordinary leave not amounting to break in service and not paying salary for the said four days.

This is submitted for the kind consideration of the H'ble Tribunal.
Bangalore.
Dated 9-9-87

ADVOCATE FOR THE II PARTY

का. आ. 3219:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आकाशवाणी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3219.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of All India Radio and their workmen which was received by the Central Government on the 15th October, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 11/87

In the matter of dispute between :

Shri Uday Pal,
R/o Village Basant Vihar,
H. No. 179, G-I, Basant Vihar,
New Delhi.

Versus

Executive Engineer,
Civil Construction Wing,
Division-III, All India Radio,
C-3, 1st Floor, Pushpa Bhavan,
M. B. Road, New Delhi.

APPEARANCES :

Shri H. S. Vats—for the workman.

Shri S. Mandal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Notification No. L-42012/65/85-D.II (B) dated 3-2-85 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Sub-Division (B.H./P.B.), Civil Construction Wing, All India Radio, New Delhi in terminating the services of Shri Uday Pal w.e.f. 11-4-85 is justified? If not, to what relief the workman entitled to?"

2. It is stated by the workman that he served the Management from 1-2-1984 to 10-4-85 whereafter his services were terminated without any notice, charge sheet or enquiry and without payment of any notice pay or retrenchment compensation and thus there has been violation of Sections 25-F of the I. D. Act (hereinafter referred to as the Act). Hence the order of his termination is illegal and void and he has sought his reinstatement with continuity of service and full back wages.

3. The Management in its written statement disputed the period of employment of the workman and submitted that the workman was employed only as a casual worker and, therefore, he could not be given any retrenchment compensation.

4. The contention of the Management that the workman was employed only as a casual worker and he is not entitled to any retrenchment compensation and that the protection of Section 25-F of the Act is not applicable to him is devoid of any force. This controversy has been set at rest by the Authority workmen of MCD and another Vs. Management of MCD and another 1987 (1) LLJ 85 Delhi High Court wherein it was held as under :—

"Industrial Disputes Act 1947-Section 2(S) and 25-F Daily rated workman-Retrenchment of daily rated worker Procedure to be followed-Condition precedent laid down in Sec. 25(F) would apply even to daily rated worker if he had put in the requisite service during the relevant period. Lumpsum compensation awarded towards back wages since the worker was daily rated worker and on account of difficulty in ascertaining the number of days such workers might have worked.

Industrial Dispute relating to the non-employment of a workman was referred for adjudication to the Additional Industrial Tribunal, Delhi. The said workman was employed on a daily rated basis as a pipe fitter. Slum Department of the Municipal Corporation Delhi Based on the contention that the Scheme in which the workman was employed was transferred to Delhi Development Authority and, therefore the workman cannot claim any relief against Delhi Municipal Corporation, the Labour Court dismissed the Claim of the workman. Hence the writ petition by the workman.

Held : When the petitioner was not assigned any further work it amounts to termination and on that date the department was admittedly with the Municipal Corporation, Delhi. It is well settled that Section 25(F) of the I. D. Act is plainly intended to give relief to retrenched workman. The qualification for relief under section 25(F) is that the person should be a workman employed in an Industry and has been in continuous service for not less than one year under his employer. What is continuous service has been defined and explained in Section 25(B) of the I. D. Act. The workman who is not in continuous service for a period of one year shall be deemed to be in continuous service if the workman during the period of 12 months preceding the date with reference to which calculation is to be made, he actually worked under the employer for not less

than 240 days. Daily rated workman is as good a worker provided he has put in the requisite number of days of service during the relevant period. Hence a daily rated worker has rendered continuous uninterrupted service for a period of one year of more within the meaning of Section 25(F) of the I. D. Act the condition enumerated in that section has to be complied with. Non-compliance with the provision would render the termination invalid.

5. On facts there is hardly any dispute. Although the period of employment of the workman was disputed in the written statement yet during the proceedings the Management itself in its evidence has admitted that the workman had completed 329 days on 30-3-85. Therefore, it stands proved that the workman had put in continuous service of more than one year in terms of Section 25-B of the I. D. Act and the provisions of section 25-F are fully applicable to him. It is not denied by the management that no notice was served upon the workman not any wages in lieu of notice or any retrenchment compensation was paid to him. Therefore, there has been a clear violation of the mandatory provisions of section 25-F of the I. D. Act and the order of termination of his service is clearly illegal and void and the workman is entitled to reinstatement with continuity of service and full back wages. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

Dated : 29th September, 1987.

G. S. KALRA, Presiding Officer
[No. L-42012/65/85-D.II (B)]

नई दिल्ली, 30 अक्टूबर, 1987

का. आ. 3220:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, डी. ई. ई. टी. डी. आर. डी. आर. एम. आफिस नार्दन गेववे नई दिल्ली के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 30th October, 1987

S.O. 3220.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of DFB T.D.R. D.R.M. Office, Northern Railway, New Delhi and their workmen was received by the Central Government on the 23rd October, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

NEW DELHI

I. D. No. 84/87

In the matter of dispute between :
Gurusharan Singh, Driver, O.H.E.,
Under C.T.F.O., Patel Nagar,
New Delhi.

Versus

The Divisional Electrical Engineer,
Traction Distribution, D.R.M. Office,
Northern Railway, New Delhi.

APPEARANCES :

Shri Nirmal Singh with workman in person.
Shri R. S. Tyagi—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Notification No. L-41012/27/86-D.II (B) dated, August, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of DEE, TDR, DRM Office, Northern Railway, New Delhi in terminating Shri Gursharan Singh, Driver from service w.e.f. 17-1-86 is legal and justified ? If not, what relief and from what date, the concerned workman is entitled to ?"

2. Notice was sent to the Management and the Management filed a petition intimating that the workman had jointly with another workman Shri Ram filed as application on the same grounds before the Central Administrative Tribunal Principal Branch, Faridkot House, New Delhi and the dispute could not proceed before two Tribunals at the same time. The workman made a statement that he did not want to pursue this case as the same dispute is pending before the Central Administrative Tribunal. Under the circumstances the reference is disposed of accordingly for non-prosecution.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

*Dated : 13th October, 1987.

G. S. KALRA, Presiding Officer
[No. L-41012/27/86-D.II (B).]
HARI SINGH, Desk Officer

नई दिल्ली, 28 अक्टूबर, 1987

का. आ. 3221:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब एण्ड सिन्ध बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-10-87 को प्राप्त हुआ था।

New Delhi, the 28th October, 1987

S.O. 3221.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the Punjab and Sind Bank and their workmen, which was received by the Central Government on the 16th October, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I. D. No. 56/86

PARTIES :

Employers in relation to the management of Punjab and Sind Bank.

AND

Their workman-Pardeep Kumar.

APPEARANCES :

For the workman—Shri R. L. Chopra.

For the management—Shri V. K. Sharma.

INDUSTRY : Banking STATE : Haryana

AWARD

Dated the 9th October, 1987

Vide Central Government Notification No. L-12012/124/85-D.IV (A) dated 18-8-1986 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947, the following dispute was referred to this Tribunal for decision :

"Whether the action of the management of Punjab and Sind Bank Chandigarh in terminating the services of Shri Pardeep Kumar son of Shri Dharam Chand, temporary Peon, at Ratia Branch w.e.f. 16-1-1985 and in not considering him for re-employment is justified ? If not, to what relief is the workman concerned entitled ?"

2. The case of the workman is that he was appointed as peon in Punjab and Sind Bank at Ratia Branch against permanent vacancy of peon on 28-7-83 and worked there up to 15-1-1985 (the period is detailed in para 2). That his total number of working days were 367. That his services have been terminated without any notice and compensation. That his order of termination is bad being without any notice or compensation. It was also alleged that he was entitled to be considered for re-employment while filling posts of peon but he was not considered so he prayed for setting aside of his order of termination. He prayed that direction may be issued to consider him for re-employment.

3. The management in their reply alleged that to meet the workload in the Bank branch and also to meet the emergency caused by leave to regular employee, workman was temporarily engaged. That he never completed the period of 240 days in any calendar year. That his number of working days were 144 for the period 28-7-83 to 30-12-1983 and 174 for the period 1-1-1984 to 15-1-1985. So it was alleged that workman has no right to claim re-instatement.

4. I have heard the parties and gone through the file. In the present case only dispute is whether workman has worked for 240 in any calendar year or not. Contention of the workman is that he has worked for 252 days during the period 28-7-83 to 12-6-1984. The Bank in their reply admitted the employment of the workman from 28-7-83 to 17-8-83, from 19-8-83 to 26-9-83, from 1-10-1983 to 26-11-83, from 5-12-1983 to 31-1-1984. The Bank disputed the employment of the workman for the period April and May 1984. Workman to prove that he worked with the Bank on the said days summoned the record of the Bank which was produced by Shri S. S. Bedi Officer Zonal Office Chandigarh. This witness admitted that as per record the workman was peon from 1-4-1984 to 28-4-1984. That there are entries in the peon book about the giving of dak to workman on 1-5-84, 9-5-84 and 14-5-84. That in this peon book there is no entry that dak was given to any other peon. This witness also brought attendance register of the Bank. According to the Bank a sum of Rs. 681-10 was paid to Ram Chander vise Cheque No. 923382 dated 30-4-1984. But this witness admitted that there is not attendance of Ram Chander marked in the attendance register. According to the workman this cheque was given to him. Workman was asked to sign by me in my presence and his signature tallied with the signature at the back of the cheque. Statement of this witness shows that present workman worked as peon with the Bank in the month of April and May 1984. The statement of this witness also shows that no salary was paid to the workman for the month of April and May 1984. That there was no other peon in the Bank for the above period. Under the above statement of the workman that he worked with the Bank from 1-4-1984 to 30-5-1984 will be believed. It will be held that workman had worked with the Bank on the dates given by him in para 2. It will also lead to the conclusion that workman completed 252 days service during the period 28-7-83 to 12-6-84 and became regular employee of the Bank. His services can not be terminated without any notice or compensation. So order of termination of the workman dated 16-1-1985 is void. The effect will be that workman will be entitled to re-instatement with continuity in service from 16-1-1985 onward and will also be entitled to back wages.

5. In view of my finding above the question of answering the second position of the reference does not arise.

6. As a result the present reference is answered in favour of the workman to the fact that order of termination dated 16-1-1985 is void. The workman is entitled to re-instatement with continuity in service and back wages from 16-1-1985 onward. As such the reference is answered in favour of the workman.

Chandigarh.
Dated : 9-10-1987.

M. K. BANSAL, Presiding Officer
[No. L-12012/124/85-D IV (A)]

नई दिल्ली, 30 अक्टूबर, 1987

का. आ. 3222 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधन से सम्बद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-87 को प्राप्त हुआ था।

New Delhi, the 30th October, 1987

S.O. 3222.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen which was received by the Central Government on the 21st October, 1987.

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 47 of 1986

Reference No. L-12012/139/85-D.II (A) dated 26-2-86

In the matter of dispute between :

Shri Dhani Ram
C/o Shri V. K. Gupta
Region I, State Bank of India
2/363, Namnair
Agra.

AND

The Regional Manager,
State Bank of India,
Region I, Hotel Lauris,
Agra.

APPEARANCES :

Shri V. K. Gupta representative for the workman.
Shri P. K. Gupta, representative for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/139/85-D.II (A) dated 26-2-86, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of State Bank of India, in relation to its Kirauli Branch under Control of Regional Manager, Agra, in not absorbing Shri Dhani Ram, Sub-staff in the Bank's service and terminating his services with effect from 11-6-82, is justified? If not, to what relief is the workman concerned entitled?

2. The case of the workman Shri Dhani Ram is that he was appointed in Kirauli Branch, Agra, of State Bank of India on 1-11-1980, as guard against a regular and permanent vacancy which had arisen due to retirement of some guard. Besides him two other guards, namely, S/Shri Sukhjeet Singh and Dayal Singh, were appointed in the said branch of the bank against the same vacancy. During the period 1-11-80 to June 1982, he was given duties in such a way as not to allow him to work continuously for 90 days in one spell or to work for 240 days in a year in order to deprive him from regular absorption in the bank. He alleges that during the said period i.e. had been coming to the said branch of the bank daily. He further alleges that he was never given any appointment letter nor was he given any letter of termination. His services were discontinued on 11-6-82 without rhyme or reason.

3. In written statement, the management admits the appointment as guard of the workman in Kirauli Branch of State Bank of India in District Agra, but according to it he was appointed not against any permanent or regular vacancy but against temporary/leave vacancy. His appointment started at the commencement of the duty hours in the morning and ended the same day in the evening as the vacancy ceased to exist as soon as the day was over. Kirauli branch is Currency Chest Branch and as per R.B.I. directives, it is to be guarded round the clock by guards. Therefore, whenever a permanent guard all of sudden pro-

ceeds on leave, the bank is left with no alternative but to engage the services of a guard on day to day basis. The management denies that the workman was given duty in such a way as not to allow him to complete 240 days in one calendar year or to allow him to work continuously for 90 days in one spell. As regards appointment letter and letter of termination, the management pleads, the question of issue of such letters did not arise as the workman was calendar year or to allow him to work continuously for pleads that as gesture of goodwill, the workman was called for interview for absorption in the bank on 21-9-84, but after interview he was found not suitable for permanent appointment as he did not satisfy the prescribed norms of having exemplary character in his military discharge certificate.

4. The management has filed rejoinder in this case. In the rejoinder he has admitted that Kirauli Branch of the Bank is a Currency Chest Branch and it is to be guarded round the clock by guards. He also admits that during the conciliation proceedings before the A.L.C. (Central), he and some others were called for interview but none of them was declared successful by management. According to him artificial breaks in his service amounted to victimization and unfair labour practice.

5. In this case the management has filed affidavits of Shri S. P. Khosla who worked as Branch Manager, Kirauli Branch Agra from 13-7-79 to 3-1-81 and Sri S. K. Mehra, who had succeeded to Sri S. P. Khosla, and remained posted in the said branch from 16-5-82 to 23-6-84. Management, however, produced Sri S. K. Mehra in the witness box for cross examination. On the other hand, the workman has filed his own affidavit. He was duly cross examined by authorised representative of the management.

6. It is a case where it is admitted even to the workman that he was never allowed by management to work continuously for 90 days in one spell or to work for 240 days in a year. According to him artificial breaks given in his service in the Kirauli Branch Agra, amounted to his victimization and unfair labour practice on the part of the management. Unless it is held to be a case of victimization or unfair labour practice, the workman has no case at all because according to his own admission he had not worked continuously for 90 days in one spell nor had worked for 240 days during 12 months preceding the date of his termination.

7. The workman has set up the case that he was appointed against permanent vacancy on the retirement of some guard. The defence case on the other hand is that he was not so appointed; rather he was engaged against temporary/leave vacancy. On a careful consideration of the evidence and circumstances, the defence case appears to be more convincing.

8. The workman has not given the name of the guard who according to him had retired either in his claim statement or in his rejoinder. For the first time he has disclosed his name as Chandan Singh in his affidavit dt. 13-11-86. Here again it is important to note that it is not stated by him in the affidavit that Sri Chandan Singh had retired. Further no question on this point was put to Sri S. P. Mehra, Branch Manager who appeared in the witness box from the side of the management, by his authorised representative. Even no document has been produced nor summoned from the management by workman to show that Chandan Singh was a permanent guard and that he had retired some time before his appointment in his place in November, 1980.

9. The management witness in para 2 of his affidavit dt. 1-10-86, has stated that at the relevant time 3 permanent guards were posted in the Kirauli Branch of the Bank. In his cross examination by authorised representative of the workman he has given the names of these 3 permanent guards as Ram Bahadur, Ramjas and Brijender Singh. No suggestion was thrown to the witness in order to show that Sri Chandan Singh was also a permanent guard who had retired.

10. In his affidavit dt. 1-10-86, the other Branch Manager, namely Sri S. P. Khosla filed the photo copy of attendance register of the period 1-11-80 to 30-6-82. This photo copy

has been admitted by authorised representative of the workman. This shows that in the month of November 1980, one Chandan Singh had given duty as guard on 5, 6, 7, 8, 9, 14, 16, 17, 18 and 20. It further shows that the workman was not appointed on 1-11-80; rather his name in the attendance register appeared for the first time on 22-11-80. In para 1 of his affidavit the workman has admitted this fact that he was appointed on 22-11-80.

11. In view of the unrebutted evidence of Sri S. P. Mehra, Branch Manager, Chandan Singh referred to in the attendance register also seems to have been engaged as guard like the present workman Dhani Ram. Accordingly I hold that the workman was not appointed against a permanent vacancy occurring on retirement of some permanent guard; rather he was engaged against leave vacancy as and when some permanent guard proceeded on leave.

12. It is also the admitted case of the parties that Kirauli Branch of the bank is a currency Chest Branch and under the directives from Reserve Bank of India it is to be guarded round the clock by guards. It has come in the evidence Sri S. K. Mehra, Branch Manager, that only 3 permanent guards remained posted at the said branch at the material time. Naturally therefore, the Branch Manager would be needing the services of some guard as and when some permanent guard proceeded on leave of one kind or the other. Under the Desai Award a man engaged as guard in such leave vacancy would fall in the category of temporary employee, for that guard duty was taken by the Branch Manager from Sri Dhani Ram, Dayal Singh and Sukhjeet Singh depending upon their availability as has been deposed to by Sri S. P. Mehra in his cross examination. There is nothing unnatural in his statement. Whosoever among the three was available could be engaged by Branch Manager.

13. In the claim statement the workman has alleged that he had been coming daily to the bank. But this fact has not been stated by him in his affidavit. In fact this fact alleged by him in his claim statement does not appeal to mind. He does not belong to Kirauli proper and in his affidavit he has described himself as resident of village Ikramnagar, District Agra. There is nothing to show how far this village is from Kirauli Branch. In fact where one is not sure that he would get a job daily it is not generally expected from such a person that he would be coming to the bank daily. This is how an ordinary prudent man would act. Therefore, the bank management would certainly in the event of a permanent guard proceeding on leave, like to engage a man as a guard who is available at hand. So I fail to understand where there was his victimization and how the management was guilty of unfair labour practice.

14. Moreover, Sri Dayal Singh and Sri Sukhjeet Singh who were also engaged from time to time by management for giving guard duty had been engaged before the present workman as will be evident from the photo copy of the attendance register filed by Shri S. P. Khosla, Branch Manager with his affidavit. Therefore, the grievance, if any, should have been to these two persons and not to workman Dhani Ram, who tried to take their places afterwards.

15. It is further admitted by parties that the workman was interviewed by management for the purposes of absorption in the bank's service but he could not qualify for it. If the Interview Board was of the view that he is not suitable for the job, this court could not impose its will on them.

16. Hence, I hold that the action of the management of State Bank of India, in relation to its Kirauli Branch under control of Regional Manager, Agra, in not absorbing Shri Dhani Ram Sub-Staff in the Bank's service and terminating his services with effect from 11-6-82 is justified. The result is that the workman is entitled to no relief.

17. Award is made accordingly.

18. Let 6 copies of this award be sent to the Government for its publication.

Dt. 12-10-1987.

ARJAN DEVI, Presiding Officer
[No. L-12012/139/85-D.II(A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 28 अक्टूबर, 1987

का. आ. 3223.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कर्णाटक बैंक लिमिटेड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-87 को प्राप्त हुआ था।

New Delhi, the 28th October, 1987

S.O. 3222.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the Karnataka Bank Limited and their workmen, which was received by the Central Government on the 16th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 28th Day of September, 1987

Sri B. N. Jalge B.A. (Hons) LL.B, Presiding Officer

Central Reference No. 7/87

Old Central Reference No. 12/82

FIRST PARTY

SECOND PARTY

The General Secretary,
Karnataka Bank Employees
Association, Dongerkery,
Mangalore-3.

V/S

SECOND PARTY :

The General Manager,
Karnataka Bank Limited,
Mangalore-3.

APPEARANCES :

For the first party—No representation.

For the second party—Sri Udaya Holla, Advocate.—
B'lore.

AWARD

By exercising its powers under section 10(1)(d) of the Industrial Dispute Act/the Government of India, Ministry of Labour made the present reference on the following point of dispute to the State Government Industrial Tribunal by order No. L-12012(14)/82-D.IV(A) dated 30-10-1982.

POINT OF DISPUTE

"Whether the action of the management of Karnataka Bank Limited, Mangalore in dismissing from service, Shri K. B. Prasanna Kumar, Attender, Hosanagar Branch, with effect from 22-7-1981 is justified? If not, to what relief is the concerned workman entitled?"

2. By a general order No. L-11025/A/87-D-IV (B) dated 13-2-1987, the reference was transferred to this Tribunal. It is at Sl. No. 8.

3. The first party union has been filed its claim statement, and its contentions in brief are as follows :—

The employee K. B. Prasanna Kumar was an attender in Hosanagar Branch. Charge sheet was issued to him that on 2-5-1978 a local bill of Rs. 479 on the Taluka Treasury was entrusted to him by the manager of the bank and the same was realised by him on 4-5-1978 but he did not hand over the proceeds to the manager and mis-appropriated the same and the same was paid on 6-5-1978. It was further alleged that he did not wear the uniform while on duty. He submitted his explanation on 15-7-1978 stating that he could not remit the same, on 4-5-1978 and that he remitted the

same on 6-5-1978. The second party appointed an enquiry officer and an enquiry was held. It was not just and proper. Reasonable opportunities were not given to him. The enquiry was one sided. The charges were not proved. The enquiry officer had traversed beyond the charge, holding that he had realised the money on 3-5-1978. Punishment is in severe and harsh. It is out of proportion. The dismissal may be set aside and he may be ordered to be re-instated with consequential benefits.

4. The second party bank has filed its counter statement and its contentions, in brief, are as follows:—

5. It is trace that he was working as an attender in Hosanagar Branch. A memo dated 8-6-1978 was issued to him to explain about the two charges. His explanation was not satisfactory. The charges involved moral turpitude. The enquiry held against him was just and proper. He was given all the reasonable opportunity to defend himself. He was represented by the organising secretary of their union. It is not correct that the charges were not proved against him. The allegation that the enquiry officer had changed or altered the charge is false. He had misappropriated the amount of Rs. 479 and remitted the same on 6-5-1978. In the enquiry it was found that he had realised the bill amount on 3-5-1975 itself. The punishment imposed on him is justified. The reference may be rejected.

6. The second party has filed a rejoinder dated 11-10-84 and therein it has been contended that 5-5-1978 was a Sunday and it was not possible for him to give the cash to his superiors on that day and that there was no mala fide intention. Unnecessarily retaining the amount does not involve moral turpitude and the order may be set aside.

7. On 7-8-1987 the second party filed an application for raising an additional contention. On receiving the objections and hearing the parties, it was allowed.

8. In the additional objections it has been contended that under section 10(b) (1) of the Banking regulation act 1949, no company can continue the employment of any person who is convicted of an offence involving moral turpitude and though there is no conviction, this is a case of moral turpitude and the same principle applies. It is then stated that the second party is obtaining a blanket insurance policy against loss by theft and if the Bank employees any such person, the Insurance Company will be absolved from its liability. Hence he is not entitled to any relief.

9. In the additional statement filed by the first party it has been stated that the allegations made by the Bank are not tenable and that he is entitled to all the reliefs claimed.

10. The validity of the domestic enquiry was taken up as a preliminary issue. One witness was examined by the second party and Ex. M-1 to M-10 were got marked.

11. None was examined from the first party.

12. The parties had been heard.

13. By a considered order dated 10-11-1986, it has been held that the domestic enquiry conducted by the second party is in accordance with the principles of natural justice and the guidelines shown in bi-partite settlement.

14. Thereafter no evidence has been adduced by either party.

15. The parties have been heard.

16. My finding on the additional issue No. 2, which reads as, what order and on the point of dispute are as follows:—

17. The management has proved that there was unnecessary retention of a sum of Rs. 479 by the employee. It is held that it was not justified in dismissing him and that the employee is entitled to the relief shown below:—

REASONS

18. The learned counsel for the first party contended that the findings of the enquiry officer are perverse. Perversity of findings depends upon two-fold test. The first is whether there is no legal evidence at all to support the charges and the second is whether on basis of the material on record no reasonable person could have arrived at such findings. The enquiry officer Krishna Bhat has been examined as MW-1. He has given his report as per Ex. M-4. He has taken into account the oral evidence of EW-1 Srinivas Udappa, EW-2 Sridhar Udappa, and the evidence of the charge sheeted em-

ployee EW-3. He has then taken into account the evidence in the branch manager Nagappa Adiga and several documents marked by him as Ex. M-1 to M-7. It has not been pointed out as to which of the aforesaid evidence is no legal evidence.

19. Ex. M-4 dated 27-10-1978 is the charge sheet. It states that he failed to hand over the proceeds of local bill (L.C. No. 180) of Rs 479 realised by him on 4-5-1978 and that he misappropriated the same and credited the same to the Bank only on 6-5-1978. The charge sheet thus states that the employee had realised the said bill on 4-5-1978. The enquiry had started on 24-10-1979 and after examination of witnesses and marking in the documents it was closed on the very day and at the end of the proceedings of that day it is shown on page 14 of Ex. M-2 that the parties had closed their sides and that the matter had been adjourned for arguments at the head office and that the date will be fixed later. On 14-12-79 Sri K. V. Bhat, the P.O. had filed an application dated 10-11-1979 to lead further evidence. The enquiry officer has allowed the said request of the presenting officer. On 29-2-80 Nagappa Adiga the Manager has been examined and through him Ex. M-7, M-8 have been got marked. On 28-5-1980 the arguments were heard by the enquiry officer. If the memo Ex. M-2 and the charge sheet Ex. M-4 shows that the amount had been realised by the employee on 4-5-1978, the subsequent evidence produced by the management that of Nagappa Adiga and Ex. M-7, M-8 (as marked by the enquiry officer) disclose that bill L.C. No. 180 had been realised on 3-5-78 itself. The defence representative had objected for additional evidence being introduced. In his arguments he had submitted that when the treasury officer or any other person from the treasury had not been examined it would cause prejudice to the employee if the documents marked as Ex. M-7 and M-8 are relied upon. Ex. M-7 indicates that it was written by the sub-treasury officer Hosanagar on 8-11-1979 and refers to the letter of the manager of the Bank dated 29-10-1979. As observed earlier both the sides had closed evidence before the enquiry officer on 24-10-1979 and from Ex. M-7, it is obvious that after both the sides had closed their sides, the Bank Manager Nagappa Adiga had written to the sub-treasury officer on 29-10-1979 seeking information as to when bill L.C. No. 180 had been realised, earlier bill Nos 178 and 179 have been realised on 4-5-1978 as per Ex. M-7, whereas it is shown that subsequent bill 180 had been realised on 3-5-1978. The employee had proceeded on the basis that the management intends to prove that he had realised the bill L.C. No. 180 on 4-5-1978. About one and half months after the closure of the recording of the evidence a move had been made by the management on 14-12-1979 to introduce a new case that he had realised it on 3-5-1979 itself. The letter written by the treasury officer Ex. M-7 has been got marked through Sri Nagappa Adiga and the employee had no opportunity to test the correctness of contents of Ex. M-7 by cross-examination of the sub-treasury officer. It cannot be forgotten that in the enquiry held on 24-10-1979 Sri Gopalachar, the then manager of the Hosanagar Branch had sworn that on 2-5-1978 he had given four bills to the employee Prasanna Kumar and that the proceeds of three were credited on 4-5-1978 whereas the amount of one bill was not credited. His evidence further disclosed that on 5-5-1978 he had met the employee Prasanna Kumar and asked him and he was told that the bill had not been encashed. Gopalachar further swears that since he suspected as to why only one bill had not been encashed, he had telephoned to the sub-treasury office and was told that the said bill for Rs. 479 had also been encashed on 4-5-1978. Without amending the charge sheet and without giving further opportunity to the employee to cross-examine the management witnesses who had been already examined in 24-10-79, the enquiry officer has received further evidence on 29-2-1980 and the employee had thus no opportunity to contenance a case that he had encashed bill L.C. 180 on 3-5-1978 itself. If the evidence of the management which goes to show that the bill had been realised only on 4-5-1978 is accepted and if it is not disputed that 5-5-1978 was a Sunday, it becomes difficult to hold that there was misappropriation. The first witness Gopalachar had admitted before the enquiry officer that he had no proof that Prasanna Kumar had misappropriated the amount of Rs. 479 for his own use. In the memo Ex. M-2 issued to the employee the allegation was that he had misappropriated or un-necessarily retained the amount realised by him, on 4-5-1978 and paid the same only on 6-5-78. There is no dispute on the point that on the afternoon of 4-5-1978 at about 2.30 P.M. the manager had asked Prasanna Kumar to go to the treasury to bring the proceeds

of the said bill and thereafter EW-2 Srinivas Udupa and Prasanna Kumar were asked to go to Sagar for remittance of excess amount, and that Prasanna Kumar and Srinivas Udupa both returned to Hosanagar only at 9.30 P.M. on that day. There is also no difference in the versions of witnesses that on the very night, the employee had told Srinivas Udupa and Gopalachar that he had become a victim of pick-pocket and he had lost the money of Rs. 479 etc. The enquiry officer has dealt with the different versions of the employee Prasanna Kumar given before different persons at different times in and after disbelieving the same he has held that he has misappropriated the amount.

20. That part of the evidence which runs contradictory to the charge sheet that he had realised the bills on 4-5-1978 should not have been permitted to go on record unless and until there was an amendment of the charge sheet on being requested by the management. Secondly, the finding that there was criminal misappropriation only on the basis of discrepant explanation given by the employee before different persons at different times cannot be said to be a finding which a reasonable man would have arrived at.

21. The bi-partite settlement in para 19.5 gives out as to what is meant by gross-misconduct. The employee has been held guilty under clause 19.5(j). It states that doing and any act prejudicial to the interest of the bank is gross-misconduct. Para 19.5 (j) does not include the mis-conduct of mis-appropriation which is defined as an offence under section 403 of the I.P.C.

22. The charge-sheet Ex. M-4 indicates that the employee has been charge-sheeted for the misconduct of mis-appropriation. As observed earlier mis-appropriation is neither an item of gross mis-conduct or of minor misconduct. The word offence has been defined in para 19.2 of the settlement. It means an offence involving moral turpitude for which an employee is liable to conviction and sentence under the provisions of the law. Since it is a charge of mis-appropriation and since it is an offence under section 403 I.P.C. the management should have proceeded under the provisions of para 19.3 and 19.4. Under para 19.3 the management has the discretion to take steps to prosecute an employee for an offence alleged to have been committed by him, if he has not been otherwise prosecuted. Under para-19.4 if he is not prosecuted, the management has discretion to deal with him as if he has committed an act of gross misconduct or minor misconduct. Under para 19.4 the management has the discretion to discharge an employee under clause 19.11 and 19.12, if he has not been prosecuted by the authority concerned. How conceding, for a moment that an offence of dis-honest mis-appropriation as defined in section 403 I.P.C. can be a subject-matter of a domestic enquiry under para 19.5(j), under the broad category that it is an act prejudicial to the interest of the Bank, the bank cannot escape the burden of showing that the alleged mis-appropriation was done dishonestly. It is not the case of the management that the employee had converted the said amount for his own use, and in that case the latter part of section 403 I.P.C. would have applied. It is impliedly the case of the management that he had dis-honestly mis-appropriated the same. The word dis-honestly has been defined in section 24 of the I.P.C. It means that he should have an intention of causing wrongful gain to one person or wrongful loss to another. The evidence brought out in the enquiry does not disclose that he had any intention of making wrongful gain for himself or anybody else or wrongful loss to the bank. On the other hand the enquiry discloses that, according to the employee though there was pick-pocket of the entire amount, he borrowed the same from N. Sridhar Udupa and credited the same to the Bank on 6-5-1978 itself. There is neither any pleading nor any evidence that there was any scope for him to credit the amount of 5-5-1978. If he could not have committed any dis-honest mis-appropriation till 9-30 P.M. on 4-5-1978 and if the earliest opportunity for him to credit the amount to the Bank was 6-5-1978 it cannot be said that he was guilty of the charge of dis-honest mis-appropriation. There is no charge in Ex. M-4 that he had retained the amount wrongfully and that it was an act prejudicial to the interest of the Bank. Under these circumstances it is held that the finding of the enquiry officer that he was guilty of mis-appropriation cannot be upheld.

23. In the proceedings before the General Manager Ex. M-9 it has been made out that the employee had admitted

about some mistake and submitted that he will not commit any such mistake and that he may be pardoned. The proceedings of the appeal Ex. M-10 proceed on the basis that he had received the payment on 3-5-1978 and that his story of pick-pocketing was an after-thought. Dismissing, the said employee on the ground that he had realised the bill on 3-5-1978 and that he had not proved his plea of pick-pocketing will be to shift the entire burden on him and ask him to prove his innocence, and especially so in the absence of the charge, that he had realised the amount on 3-5-1978.

24. Under para 19.12 (c) the Bank has the discretion to discharge an employee where the evidence is found to be in sufficient and where the bank does not, for some reason or the other, think it expedient to retain the employee.

25. The learned counsel for the second party placed reliance on the case of Wimco Sramik Union Appellant V/s. seventh industrial tribunal and others. (1987 LAB I.C. page 77).

26. The authority states that if a workman is found guilty of theft the Tribunal cannot interfere in the order of dismissal, under section 11A of the I.D. Act. The facts of the case show that a sum of Rs. 497 was retained by the employee for a day or some hours without giving convincing explanation to the management. In my view even if it is held that such retention was an act of gross-misconduct under para 19.5 (j) for the reason that was an act prejudicial to the interest of the Bank, it cannot be held to be a fit case where the management can impose punishment of dismissal. It would be fit case, to hold that he has already suffered the punishment of unemployment till today and that it will suffice of he is reinstated without back wages but with continuity of service and other consequential benefits.

27. In the result, an award is hereby passed that the management was not justified in dismissing him and that by exercising powers under section 11A of the Industrial Disputes Act it is ordered that the management shall reinstate him without back wages but with continuity of service and other benefits.

(Dictated to the Secretary taken down by him and got typed and corrected by me.)

B. N. LALGE, Presiding Officer

[No. L-12012/14/82-D.IV(A)]

का. आ. 3224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटक बैंक लिमिटेड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-10-87 को प्राप्त हुआ था।

S.O. 3224.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the Karnataka Bank Limited, and their workmen, which was received by the Central Government on the 16th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 6th Day of, October, 1987

Sri B. N. LALGE, B.A. (HONS) I.L.B., Presiding Officer, Central Reference No. 67/87

Old Central Reference No. 32i86

FIRST PARTY :

The General Secretary,
Karnataka Bank Staff
Association, Ganesh Krupa,
New Balamatta Road,
Mangalore-3.

SECOND PARTY :

V/s.

The Chairman,
Karnataka Bank Ltd.,
Head Office,
Mangalore-3.

APPEARANCES

For the first party Sri. S. Krishnaiah, Advocate.

For the second party Sri K. S. Bhat, Advocate.

AWARD

By exercising its powers under section 10 (1)(d) of the I.D. Act, the Central Government/Ministry of Labour, made the present reference on the following point of dispute to the State Government Industrial Tribunal. It is order No. L-12012/6/86-D. IV(A) dated 10-12-1986.

2. By a General Order No. L-11025/A/87-D-IV(B) dated 13-2-1987 it has been transferred to this Tribunal. It is at Sl. No. 69 in the said order.

POINT OF DISPUTE

"Whether the action of the management of Karnataka Bank Limited, Mangalore is justified in withholding two annual increments to Shri H. K. Narasimha Murthy clerk Sl. No. 1150 Karnataka Bank Limited, with cumulative effect? If not, to what relief the workman concerned is entitled?"

3. The first party union has then filed its claim statement and its contentions in brief are as follows :—

On 6-2-1982 a charge sheet was issued to the employee K. Narasimha Murthy alleging that he had failed to account for the excess cash of Rs. 100 received by him on 2-12-1980 of M/s. Sudeep Footwear Shimoga and that he credited the same to Sundaries (Suspense) account only on 8-12-1980, after the manager made enquiries in that connection and thus committed gross mis-conduct under para 19(5)(j) of the bipartite settlement. The employee submitted his explanation. He also pointed out that his special allowance applicable to cashiers had been withdrawn before he had completed his term as per the allotment of the duties and that it was a punishment under para 6(e) of chapter 22 of the bi-partite settlement. The Bank ordered for enquiry. As regards the special allowance the Bank stated that such duties cannot be entrusted to persons against whom that such duties cannot be entrusted to persons against whom disciplinary proceedings are pending. The General Secretary of the union wrote to the General Manager of the Bank that such action is not in accordance with the settlement of the bi-partite settlement. The Bank ordered for an ment. There was no response. Then he received a memo on 16-11-1983 to the effect that he was not called for promotional test, since, disciplinary proceedings were pending against him. Enquiry was held on 6-5-1983 and 2-6-1983. MW-1, M. V. Hande was examined and Ex. M-1 to M-6 were got marked. On his behalf three witnesses were examined. Without considering the material on record the enquiry officer held that he had failed to account for the cash received on 2-12-1980 till 8-12-1980 and that the charge against him was proved. The General Manager had issued a notice to him dated 30-11-1983 and called upon him to show cause as to why he should not been dismissed from service. He gave his explanation. The General Manager without applying his mind issued an order that annual increments for 1984 and 1985 shall be withheld. He preferred an appeal. The chairman dismissed the same. Conciliation proceedings also failed. There punishments have been imposed for the same charge. It is illegal. The findings are perverse. On 2-12-1980 he had reported about the receipt of the excess amount and had handed over the same to the Manager, as per the prevailing practice. He was not on good terms with the manager. The Sundry Liability Register did not show entry till that date. There was no charge that the act alleged constituted dishonest mis-conduct. The impugned punishment is discriminatory, since another employee who had defrauded the Bank was awarded the punishment of stoppage of two increments without cumulative effect. By the present punishment the employee is losing Rs. 300 per month and he has already lost a sum of Rs. 6,000 the special allowance of three years and his case for promotion has not been considered. It is a fit case to exercise the powers under section 11 A of the I.D. Act. The reference may be allowed and the impugned order may be set aside.

4. The management has filed its statement of objections and also a re-joinder. Its contentions in brief are as follows :—

The first party union has no authority to espouse the dispute. It is a minority union. The dispute is not espoused by a substantial number of workmen. A charge-sheet dated 6-2-1982 was issued against him since he had failed to account for the excess cash of Rs. 100 received from a customer Messers. Sudeep Foot wear Shimoga on 2-12-1980 and it was credited only on 8-12-1980. His explanation was not satisfactory. An enquiry was ordered. After due notice an enquiry was held against him. He was given full opportunity to defend himself. The enquiry officer gave a report dated 24-10-1983. He was found guilty. Punishment of dismissal was proposed in the second show cause notice. He gave his explanation. Though the charges were serious, a lenient view was taken on humanitarian grounds and only two increments were withheld. His appeal was dismissed. The punishment imposed on him is justified. It is not correct that three punishments were imposed on him. Withdrawal of special allowance was not given by way of punishment, but it was only to safeguard the interests of the Bank. He was not denied of promotions as a punishment. They are independent Acts, and cannot be made subject matter of the present adjudication. There is no discrimination in imposing the said punishment. It is not a fit case where the provisions of section 11 A can be invoked.

5. On the basis of the said pleadings, the following issues were raised :—

(i) Whether the Domestic Enquiry held by the management is in accordance with law ?

(ii) Whether there is proper espousal of the dispute that the reference is in accordance with law?

6. On 27-7-1987 the learned counsel appearing for both the sides submitted that they do not intend to press for the two additional issues and that they will file their documents and will argue the main case itself. In view of the said submissions it has been recorded that the question of espousal and validity of Domestic Enquiry are held to be beyond dispute.

7. The management has filed the file of the Domestic Enquiry. It has been marked as Ex. M-1.

8 The parties have been heard.

9. My finding on the point of dispute is as follows :—

The management was justified in holding that the employee H. K. Narasimha Murthy was guilty of mis-conduct under clause 19(5)(j) of the bi-partite settlement of 1966, but it is not justified in imposing the punishment of withholding of two increments. The proper punishment is as shown below :—

REASONS

10. The main contention of the first party is that the findings of the Enquiry Officer are perverse and that on the basis of the evidence on record it cannot be held that the employee was guilty of any mis-conduct. The first party has conceded that the Domestic Enquiry has been held in accordance with the principles of natural justice. The test for examining whether the findings are perverse or not are two-fold. It shall have to be examined whether there is no legal evidence to support the findings or whether on the basis of the material on record, no reasonable person could have arrived at the findings complained of. The management examined only the then manager of the Bank and got marked Ex. M-1 and M-6. The employee examined himself and two witnesses. It has not been pointed out as to which part of the said evidence is not legal evidence, or no evidence. Thus, recording of findings on the basis of no legal evidence is not the question involved.

11. The learned counsel for the first party contended that the findings of the Enquiry Officer are perverse in as much as he has based them on assumptions and inferences which are fallacious.

12. The fact that a sum of Rs. 100 was received by first party cashier in excess from Messrs. Sudeep Footwears Shimoga on 2-12-1980 is not disputed. The employee Narasimha Murthy has examined himself before the enquiry officer. His evidence on pages 13 and 14 discloses that on 2-12-1980 by about 4.30 or 5 p.m. he found that a sum of Rs. 100 had been received in excess and that he did not come to know in the first instance, from which party he had received the same. He then states that nothing of denominations, enables the cash clerk to trace the party, who has paid the excess amount. He further states on page 10 that he informed the manager and he desired to tally the cash with reference to day book and said that he would hand over the cash directly to the party after confirming about the excess. He adds that cash was then handed over to the Manager. On the one hand there is the evidence of the manager M. V. Hande and his earliest letter to the General Manager dated 10-12-1981 (marked by the enquiry officer as Ex. M-1) and on the other hand there is the evidence of the employee H. K. Narasimha Murthy and his two witnesses, K. Madhavachar, B. Pattabhi Ram Rao, and the explanation of the employee dated 15-1-1981 (marked as Ex. M-3 by the enquiry officer), enclosed with a letter of Messrs. Sudeep Footwear dated 1-1-1981. The employee has examined Madhavachar and Pattabhi Ram Rao to substantiate his case that there was the practice of handing over excess cash to the manager for being made over to the party, without taking it to the Sundry Liability Register. The evidence of Pattabhi Ram Rao has been disbelieved by the enquiry officer on the ground that two charge sheets had been issued to him during the period when Hande was the manager of that branch. It was contended that absence of entries in the Sundry Liability suspense register about such excess amounts till then is a strong ground supporting the case of the employee and that Madhavachar and Pattabhi Ram Rao have spoken the truth that prior to 2-12-1980 there was the said practice of not accounting for the excess amount in the said register. Madhavachar concedes on page 17 of the file Ex. M-1 that he is aware of the relevant rules and that such amounts shall have to be credited to the Sundry Liability Suspense Account, after reporting about it to the manager. He however, states that he learnt about it subsequent to 2-12-1980. As admitted by Madhavachar there was no witness for his handing over such excess amount to the manager on four or five such occasions. Pattabhi Ram Rao states, as per his evidence on page 19 that in the other branches, wherever he had worked the cash clerk used to prepare the credit slip and credit such amounts to Sundry Liability Suspense Account after bringing the same to the notice of the manager. Pattabhi Ram Rao states on page 20 that on 2-12-1980 he did not come to know about the receipt of excess amount of Rs. 100 but he learnt about it only on 8-12-1980, when MW-1 Hande told him about it. In the ordinary course Pattabhi Ram Rao ought to have learnt about the excess cash of Rs. 100 on 2-12-1980 itself, since he had supervised the counting of cash on that day. He adds that the employee Murthy did not report to him about the excess cash on that day. In the earliest letter to the General Manager dated 15-1-1981 sent as his explanation to the memo dated 2-12-1980, the employee H. K. Narasimha Murthy has not made out a case that there was any practice of handing over of the excess cash to the Manager and the Manager used to take the responsibility of paying the amount to the concerned party. In the said explanation he states that excess was not credited to Sundry Liability Account on 2-12-1980 because counting of cash by the officer was pending and the fact whether there was excess or not was still to be confirmed by tallying the entries of the day book. He further states therein that the manager Hande desired to give it personally to the party, when it was traced that the amount was of Sudeep Footwear and therefore the employee handed over the cash to the manager. The letter of explanation in dated 15-1-1981. It is enclosed with a letter of the party Sudeep Footwear and that letter bears the date as 1-1-1981. In the letter of the party it is stated that the employee H. K. Narasimha Murthy had called on him on 4-12-1980 and had informed him to collect Rs. 100 from the manager but however, he could not attend to it immediately and that subsequently he gave a letter to credit the same to the account of his wife. The learned counsel for the first party contended that before the enquiry officer the proprietor of the Sudeep Footwear was not examined and his alleged complaint was not produced and therefore it may be held that the evidence of Hande is not trust-worthy. In spite of

any adverse inference that can be drawn for the non-examination of the proprietor of Sudeep Footwear and nonproduction of any complaint made by him what is the true fact can be made out from the earliest versions of the Manager Hande as put forth in Ex. M-1 and the employee Murthy as made out in Ex. M-3. Since there is no case of any practice of handing over of the excess cash to the Manager in Ex. M-3, it becomes very difficult to accept the contention that the employee had handed over the excess cash to the manager in pursuance to such a practice. The writing as "found by M. V. Hande" in the payment slip (marked as Ex. M-6 in the enquiry) is in different ink and in the event of doubtful veracity of Pattabhi Ram Rao, it does not prove that the amount was paid and credited by Hande on 8-12-1980. However, it cannot be forgotten that the burden lies on the management, throughout to establish its case and it never shifts on to the employee. In the context of ill-will between the employee and the Manager Hande, it will be unsafe to hold that the management had proved that the employee had himself retained the excess amount and credited only on 8-12-1980. The management and the opportunity to establish the said case by examining the proprietor of Sudeep Footwear, and producing his complaint but it has not done so.

12. It is admitted by the employee H. K. Narasimha Murthy that as per the rules such excess amount shall have to be credited to the Sundry Liability suspense account. According to the employee, in spite of the fact that he was aware that the manager nourishes ill-will against him, he had paid the said amount to him, it was not only contrary to rule but also not consistent with natural human conduct. Under the circumstances there will be an irresistible finding that he committed breach of the rule in giving such excess amount to the Manager and the said act was by itself prejudicial to the interest of the Bank. Therefore the finding that an act of misconduct, of a technical nature falling under the provisions of para 19.5 clause (j) of the bi-partite settlement 1966 deserves to be accepted.

13. The learned counsel for the first party contended that the employee has been punished thrice for the same act of alleged misconduct. It is an admitted fact that he was not called for the promotional test on the ground that there was a proceeding finding against him. The said grievance may not be a point of reference for the purpose of the present cause but all the same it has denied an opportunity to the employee for competing for the promotion. Whether it is a punishment or not, he has suffered on account of the said disciplinary proceedings.

14. There is no dispute on the point that withdrawal of special allowance is a major punishment under clause 3(a) of the 3rd bi-partite settlement. In the present case special allowance was withdrawn and he was denied of the opportunity of working as a cash clerk and getting the said amount for the full period. Thus he has been already punished for the misconduct of para 19.5 (j). In the context that it has been held that only misconduct of a technical nature has been proved I am of the view that the punishment of withholding of two annual increments is unconscionable and disproportionate to the Act of misconduct committed by him. It is therefore felt expedient that by exercising powers analogous to those under section 11A of the Industrial Dispute Act, the said order of punishment should be set aside and that it shall be recorded that the punishment of withdrawal of special allowance shall be the only punishment, which he has already received.

15. In the result, an award is hereby passed that the management was not justified in withholding two annual increments of the employee H. K. Narasimha Murthy cumulative effect and that the only punishment shall be the withdrawal of special allowance, which he has already suffered. The withheld increments and other consequent benefits shall be paid to him forthwith.

(Dictated to the secretary taken down by him and got typed and corrected by me.)

B. N. LALGE, Presiding Officer

[No. L-12012/6/86-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 2 नवम्बर, 1987

1 2

का.आ. 3225.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार 6 एण्ड 7 पिट्स, जामादोबा कोलियरी, मैसर्स टाटा आयरन एण्ड स्टील कम्पनी लिमिटेड के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 2nd November, 1987

S.O. 3225.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of 6 & 7 Pits, Jamadoba Colliery of M/s. Tata Iron & Steel Co. Ltd., and their workmen, which was received by the Central Government on the 19th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 31 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of 6 & 7 Pits Jamadoba Colliery of M/s. Tata Iron & Steel Co. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.
On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSRY : Coal

Dated, Dhanbad, the 12th October, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(298)] 85-D.III(A), dated the 19th January, 1986.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh that the 32 temporary workmen of 6 & 7 Pits, Jamadoba Colliery of M/s. Tata Iron & Steel Co. Limited, who are listed in the annexure below, should be given by the management the benefits as claimed by them, viz. H.R.A., medical treatment to their dependents, LTC, LLTC, annual increments, special increments, casual/sick leave with pay, railway fare for going home on leave, as in the case of other permanent employees of the Colliery, is justified? If so, to what relief are the workmen concerned entitled?"

Sl. No.	Name
1	2
1.	Sri Kalipada Modi
2.	Sri Ganga Singh
3.	Sri Rajendra Viswakarma
4.	Sri Baneshwar Prasad
5.	Sri Rambali Mishra
6.	Shri Saluddin
7.	Shri Kirity Thakur
8.	Sri Md. Safique.
9.	Sri Radha Krishna Giri.
10.	Sri Karu Ansari
11.	Sri Asnarashi Singh
12.	Sri Nand Kishore Mochi

87/1498 GI—8

13. Sri Joageshwar Mahato
14. Sri Rameshwar Paswan
15. Sri Brahmdeo Paswan
16. Sri Manohar
17. Sri Kalu
18. Sri Ali Hussain
19. Sri Sheopujan
20. Sri Balgobind Paswan
21. Sri Ramanand Singh
22. Sri Tulbu Singh
23. Sri Ramachandra Singh
24. Sri Rajendra Prasad.
25. Sri Sidheswar Singh
26. Sri Tarkeshwar Singh
27. Sri Sheo Narayan Singh
28. Sri Puran Singh
29. Sri Md. Haider
30. Sri Abul Mian
31. Sri Balinder Singh
32. Sri Md. Niwazi

The case of the workmen is that the 32 concerned workmen whose names are mentioned in the schedule to the terms of reference were employed in 6 & 7 Pits Jamadoba Colliery of M/s. Tisco as Stone cutters. The Stone cutters are piece rated in accordance with the wage board recommendation and they were getting on piece rate basis. The job of stone cutting is in the underground and they had attendance of more than 190 days in each year since their appointment. They claim that they are permanent workmen. They were deprived of the facilities which were given to the permanent workman of the management. Therefore they made 9 demands which included (1) H.R.A. to those of the concerned workmen who were not allotted company's quarter, (2) Medical benefits for dependents, (3) L.T.C. facilities, (4) Long Leave travel concession, (5) annual increment to the employees appointed on daily rated categories in the pay scale prescribed in the NCWA in respect to their categories, (6) special increment granted to piece rated employees, (7) railway fare for going home on leave, (8) sick leave and (9) casual leave. On demand the management failed to give relief in respect of the demands made by the concerned workmen. When the management did not accept their demands, an industrial dispute was raised on their behalf by the Janta Mazdoor Sangh, when the management did not concede, the Joint General Secretary of Janta Mazdoor Sangh referred the matter to the ALC(C), Dhanbad. The conciliation proceedings were gone into which ended in failure and thereafter the present reference was made. It will also appear that during the pendency of the present reference the management had stopped the concerned workmen from work for a few days and thereafter the concerned workmen filed a complaint case before this Tribunal which is also pending. Thereafter the management employed all the concerned workmen as permanent miner in 6/7 Pits Collieries considering their past services of stone cutters.

The case of the management is that the reference is not legally maintainable. The concerned workmen along with several others working as temporary workmen at different collieries of M/s. Tisco, raised an industrial dispute through their union named R.C.M.S. before the ALC(C), Dhanbad which ended in conciliation settlement dated 5th May, 1983. On the basis of their said settlement an arbitration award was passed by the arbitrators and the umpires. Shri S. Dasgupta the then Joint General Secretary of R.C.M.S. was one of the two arbitrators and Shri Kanti Mehata General Secretary, INTUC was one of the umpires. The concerned workmen were the members of the union named R.C.M.S. and they were never the members of the union known as Janta Mazdoor Sangh. RCMS is the recognised union and almost all the workers of the collieries of M/s. Tisco are members of the said union. The Janta Mazdoor Sangh has practically no follower and is incompetent to raise the present dispute on behalf of the concerned workmen who are really members of RCMS and the J.M.S. has taken up this case with a view to initiate functioning of its union in the Tisco Colliery. The total strength of the workmen at 6/7 Pits Jamadoba Colliery is about 1350 whereas the strength of the concerned workman is in minority. The case of the concerned workmen has not been supported by the majority recognised union. The dispute of the concerned workman have already been decided by the arbitrators and umpires. In the light of the arbitration award and the terms of reference, the concerned workmen are temporary workmen and they cannot

enlarge the scope of reference was adjudication regarding their status. The facilities being claimed and demanded by the workmen are available to permanent workmen and not to temporary workmen. The demand of the concerned workmen is of general type which effect all the collieries of M/s. Tisco. and the J.M.S. is not competent to raise the dispute covering wide aspects in the entire industry involving several principles. In the collieries various types of operations connected with an incidental to winning of coal are being carried on by various class of employees and they have been fixed in various groups and categories depending upon the nature of jobs being performed by them.

There exists from time to time certain types of development and construction work. Such occasional development and construction work may be completed within a period of four months or two to four years, depending upon mining and geological conditions, mine planning and various technical reasons. The workmen employed on development and construction works are retained in service for a temporary duration only and they are termed as temporary workmen. The concerned workmen had been engaged on development and construction work and they had no connection with the production of coal in the mine. The service condition of permanent and temporary workers are different although the wages payable to the permanent and temporary workmen remained the same in view of the principles of equal pay for equal work. The basic, D.A., underground allowance, attendance bonus, annual bonus, etc. remained the same for permanent and temporary workmen. The statutory leave is granted to all the employees who put 240 days of attendance on the surface or 190 days attendance in the underground in a calendar year. The leave is granted in the calendar year to a workman if he qualifies by putting the minimum number of attendance in the previous year. The grant of leave is conditional and proportionate to the attendance put by a workman. The statutory leave is granted to both permanent and temporary workmen on fulfilling the statutory condition. The casual leave with pay, sick leave with pay are the special privilege granted to permanent workmen and are not granted to temporary workmen. The temporary workmen can leave their work at their own wish and in fact they leave their employment on getting some permanent job elsewhere. The demand of the temporary workmen for grant of casual/sick leave with wages at par with permanent workmen is unreasonable and cannot be accepted. Similarly the facilities like LTC, ILTC are available to workmen on fulfilling certain conditions. These privileges are not absolute but conditional and is available to the permanent employees who are required to work continuously for the whole of their career. A temporary or casual workman whose relationship exists for a while cannot claim for the special privileges granted to a permanent workman. Free medical treatment is given to all types of workmen. A special privilege is given to the permanent workmen considering their permanent relationship by providing medical facilities to their dependent. The quarters and certain H.R.A. is paid to permanent workmen. The temporary or casual workmen cannot be given the same privileges as that of the permanent workmen. The annual increment, special increments are given to the permanent workmen as an incentive to continue in the employment for a long time. The temporary workmen are not required to continue for a number of years and as such there is no purpose for not annual increment or special increment to temporary workmen. The services of a temporary/casual workmen are for a particular period which may be renewed from time to time depending upon the exigency of work and as such they are not entitled to annual or special increment. Train fair is

paid to permanent workmen at the time of going home and return fair is paid when they return from home. No train fair is paid to the temporary workmen at the time of going home as there is no obligation on them to return after leave but when they return after leave and join duty they are paid return train fair. The management has distinguished the permanent and temporary workmen in allowing the privilege of train fare because of existence of separate and distinct condition of service. On the above facts it is submitted that the concerned workmen are not entitled to any of the relief prayed for by them.

The points for consideration are whether (1) the concerned workmen should be given the benefits of H.R.A., medical treatment to their dependent, LTC, ILTC, annual increment, special increment, casual/sick leave with pay, railway fare for going home on leave as in the case of other permanent employees of the collieries of Tisco, (2) whether the concerned workmen can claim the above facilities in face of this settlement already arrived at by an arbitration Award.

The workmen examined four witnesses and the management examined three witnesses in support of their respective cases. The documents of the workmen have been marked as exts. W-1 to W-11/29. The documents of the management have been marked as Ext. M-1 to M-6.

Before dealing with the first point indicated above, I would like to deal with the second point namely whether the concerned workmen can claim the benefits in the face of the settlement already arrived at by an arbitration award. Admittedly, the concerned workmen were the members of the R.C.M.S. prior to the raising of the present dispute by the J.M.S. Ext. W-4 dt. 3-6-85 is a petition by the 28 concerned workmen to the Director of Collieries, Tisco in respect of their industrial dispute. At page 4 of Ext. W-4 the workmen have stated "We are members of the R.C.M.S.". It is clear therefore that till June, 1985 the concerned workmen were members of R.C.M.S. and were not the members of J.M.S. Ext. W-11 to W-11/29 dt. 1-1-85 are the membership counterfoil receipts issued to the concerned workmen for the year 1985. As the concerned workmen admitted in Ext. W-4 that they were the members of R.C.M.S. at the time of their demand before the management of Tisco on 3-6-85, the Exts. W-11 to W-11/29 issued on 1-1-85 appears to be clearly fabricated document. If the concerned workmen were still members of R.C.M.S. till 3-6-85 as stated in Ext. W-4 they could not be the member of J.M.S. on 1-1-85. It appears that these receipts have been obtained to show that they were members of J.M.S. since 1-1-85 although admittedly they were the members of R.C.M.S. union till June, 1985. Ext. M-1 dt. 15-3-83 is a strike notice served by the R.C.M.S. on the Director of collieries, Tisco. Jamadoba under Section 22(1) of the I.D. Act giving notice of their proposed strike from 4-4-83 in all the collieries, powerhouse colliery washeries, workshop and other establishment in Jharia Coalfield of Tisco. They had demanded therein the permanency of all the temporary workers of the 5 collieries of Jamadoba and Sijua groups of collieries of M/s. Tisco along with other demand. The memorandum of settlement Ext. M-6 arrived at between the representative of Tisco management and the representative office bearer of R.C.M.S. representing the concerned workmen gives a short recital of the case leading to the settlement arrived at between them. It will show that after

the said strike notice discussions were held before the Conciliation Officer and the ALC(C), Dhanbad and a settlement was arrived at between R.C.M.S. and the management on 5-5-83. The said settlement between the R.C.M.S. and the management of Tisco, is Ext. M-2 in this case. It will appear from the said settlement Ext. M-2 that those temporary workers who had put in 240 days of attendance on surface and 190 days attendance in the underground during the calendar year 1981 or 1982 or during the period of 12 months commencing from 17-2-82 and ending with 16-2-83 were made permanent. By another provision of the said settlement the temporary workers who were specifically appointed for temporary construction and development jobs and had exclusively engaged in that particular job were not to be made permanent irrespective of the fact that they fulfill the above attendance requirement in view of the temporary nature of their job. A list of temporary construction and development workers of 6/7 Pits Colliery along with others form part of the said settlement. It was also provided in the said settlement that the identification of the temporary construction and development workers will be jointly done by the representative of the management and the recognised union R.C.M.S. and in case of any dispute the matter would be referred to the jointly agreed arbitrators namely Shri S/Shri R. Chawla and S. Dasgupta and in case of disagreement between the arbitrators the matter would be referred to the jointly agreed umpires S/Shri R. N. Sharma and Kanti Meheta.

After the said settlement discussions were held between the representative of the management and the union with regard to the identification of temporary construction and development workers of 6/7 Pits colliery. As no unanimous decision was arrived at by the representative, the case of 67 temporary construction and development workers were referred to the arbitrators S/Shri R. Chawla and S. Dasgupta in accordance with the terms of the conciliation settlement. The arbitrators after hearing the parties gave award Ext. M-3 dt. 15-10-84 in which the arbitrators unanimously agreed for permanency of 28 workmen out of 67 whose cases were referred to them on the ground that they were not exclusively engaged in construction and development work. However, there was no unanimity between the arbitrators with regard to the remaining 39 workmen. The matter was therefore referred to the umpires S/Shri R. N. Sharma and Kanti Meheta as per the terms of settlement Ext. M-2 dt. 5-5-83.

The umpires examined the details of the case and gave their decision which is incorporated in Ext. M-4 dt. 22-4-85. The umpires decisions were as follows —

- (i) That construction and Development activities are separate from that of the colliery operations.
- (ii) That the dispute over the identity of the colliery Expansion Project as a separate establishment cannot be raised when already agreed to in the conciliation settlement.
- (iii) That those having the case, we, the Umpires, are of the unanimous view that 39 temporary construction and development workers are not entitled for permanency. We are, however, of the view that

these workers on completion of the job, will cease to be in employment in which they are presently engaged. They shall, in such an event, be entitled to receive due retrenchment benefits.

- (iv) That on compassionate consideration we decide that out of the above 39 workmen, the six concerned workmen, namely S/Shri Sunil Kumar Sen, Kanan Mahto, Suraj Narain Mandal, Kanchan Yadav, Ramji Routh and Baliram Mandal temporary piece rated stone cutters who were in continuous employment in the colliery prior to starting of the construction and development activity, i.e. drive of drift, be made permanent with effect from 1-4-1983.

It will thus appear from the above Umpires decision that the 33 remaining construction and development workers including the concerned workmen would cease to be in employment of the company on completion of the construction and development work. The work of construction and development was likely to be over by 31-8-86 and thereby the above 33 construction and development workers including the concerned workmen were to be stopped from employment.

Ext. M-6 shows, that the R.C.M.S. 6/7 Pits branch, while agreeing that the concerned workmen as per annexure I to the settlement were likely to cease from their employment on completion of the construction and development activities after the same is over in accordance with the terms of conciliation settlement, arbitration award and the decision of the Umpires. The R.C.M.S., however, made persistent demand that the concerned workmen were temporarily working in the company, their cases should be considered for regularisation as piece rated stone cutters/stackers. On the persistent request of the union the management agreed to consider the appointment of the concerned workmen as Miner in different Collieries depending upon the requirement in their collieries. After a detailed discussion an agreement was finally arrived at on the following terms and conditions.

1. That the concerned 35 workmen whose names appear in Annexure I of this agreement, would be offered employment in the establishment of the management as Miner.
2. The deployment of the concerned workmen at various places will be decided by the management as per their requirement and they will have to abide by terms and conditions mentioned in the settlement as well as terms and conditions of their appointment.
3. That the concerned employees would not be entitled to any benefit, monetary or employment in temporary construction and development work after they are offered the job of Miner. No claim in such respect would be entertained in future. Further, the temporary terms of employment will not be considered for continuity purposes.

4. That if any of these concerned workmen does not accept the offer of permanent employment as Miner, as per this Agreement, he will cease from their temporary employment with effect from i.e., the date from which the job of construction and development activity in which they are presently engaged is going to be over. Their failure to accept the offer for the job of Miner shall construe that they are not interested for their employment in the Steel Company.

In view of the said settlement Ext. M-6 it is clear that a settlement was arrived at between the union of the workmen and the representative of the management in August, 1986 by which the concerned workmen were to be offered employment in the establishment of the management as permanent miners and that the concerned workmen were not to be entitled to any benefit, monetary or employment in temporary construction and development work after they are offered the job of miner and that no claim in such respect shall be entertained in future. The workmen have filed Ext. W-2 dt. 28-8-86 by which one of the concerned workman Md. Hyder (examined as WW-3) was offered the post of permanent miner on the basis of the settlement arrived at vide Ext. M-6. The said appointment letter mentions the genesis of the settlement and the terms and conditions under which they were appointed in accordance with the said settlement. It is further stated in it that in case the said concerned workman fails to accept the offer for the post of miner on permanent basis it shall be construed that he is not interested in the employment and his request for employment either temporary or permanent in future will not be considered. WW-3 Md. Hyder has stated that he has been given work of a miner in 1986. In cross-examination he has stated that he does not know if the R.C.M.S. had raised an industrial dispute in respect of all the workers working in Stone Wires which ultimately resulted in arbitration award. WW-1 Salauddin who is one of the concerned workman has stated in his cross-examination that R.C.M.S. had raised an industrial dispute in respect of their demand before the conciliation officer. He has further stated that he had heard that a settlement had been arrived at in respect of their demand but he does not know about its details. He has further stated that thereafter an arbitration award has been made in respect of the concerned workmen and others and thereafter some of the workmen were made permanent. He has also stated that thereafter the Unions also gave their award. He does not know how the workmen have been made permanent miner. But it is admitted that now all the concerned workmen are workmen as permanent miner. It will appear from Ext. W-2 and Ext. M-6 that the concerned workmen were offered the post of permanent miner in accordance with the settlement arrived at between R.C.M.S. and the management of Tisco. Once the concerned workmen have accepted the appointment as permanent miner in terms and conditions of settlement Ext. M-6, I do not think that they are now free to raise the present dispute which had finally been concluded as per settlement Ext. M-6. MW-1 Shri S. K. Tripathy, Welfare Officer has stated about the industrial dispute raised by the R.C.M.S. in respect of the demand of the concerned workmen for making them permanent. He has stated about the settlement before the conciliation officer and in accordance with the said settlement an arbitration was made and there was an arbitration award and as there was some difference between the arbitrators the Umpires gave their award in accordance with the settlement. I have

already discussed about it. He has also stated that according to those awards & settlement the concerned workmen were held temporary and it was only when they accepted the post of miner that they were made permanent by the management. MW-3 has proved the settlement Ext. M-6 and had stated that copies of the settlement had been sent to the ALC(C), Dhanbad, RLC(C), Dhanbad CLC(C), New Delhi and to the Secretary to the Govt. of India Ministry of Labour. He has also stated that as per the settlement the workmen joined as Miner.

The discussions made above clearly show that according to the settlement arrived at between R.C.M.S. representing the workmen and the management it was decided that the concerned workmen were temporary workmen specifically appointed for temporary construction and development jobs who could not be made permanent irrespective of the attendance put in by them. However, the concerned workmen were given the job of permanent miner by the settlement Ext. M-6, considering their services in the Tisco's construction and development establishment. The concerned workmen have taken advantage of the said settlement and has admittedly joined as Miner. The concerned workmen therefore cannot blow hot and cold at the same time by accepting the post of permanent miner in accordance with the said settlement and also demanding other facilities when in the terms of the settlement para-3 itself it is clearly stated that the concerned workmen will not be entitled to any monetary benefit. In view of the above the concerned workmen or their union Janta Mazdoor Sangh which has raised the present dispute cannot claim the facilities enumerated in the order of reference in as much as vide settlement Ext. M-6, it had been agreed that the concerned workmen will not be entitled to any benefit in respect of the post. Now the concerned workmen are all permanent miners and they will be getting all the facilities which a permanent employee of Tisco are entitled since their appointment as permanent miners.

In view of the above finding now it is not necessary to deal with the individual demand which have been raised on behalf of the workmen as the matter finds settled in Ext. M-6 that the concerned workmen will not claim any benefit monetary for the period of their employment in the temporary construction and development work after they have accepted the job of miner on permanent basis in accordance with the settlement Ext. M-6.

In the result, I hold that the demand of J.M.S. that the 32 concerned temporary workmen of 6/7 Pits Jamadoba Colliery of M/s. Tisco. should be given by the management the benefits as claimed by them as in the case of other permanent employees in the colliery is not justified and I further hold that as the concerned workmen have now become permanent miner of Tisco. they will be getting all the facilities and benefits as is being given to the other permanent employees of the colliery of Tisco.

This is my Award.

I. N. SINHA, Presiding Officer

Dt. 12-10-87

[No. I-20012/298/85-D. III(A)]

नई दिल्ली, 3 नवम्बर, 1987

THE SCHEDULE

का.आ. 3226.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कटरस चौतुदीह कॉलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड, के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 27 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 3rd November, 1987

S. O. 3226.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Katras Choitudih Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 27th October, 1987.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

Reference No. 185 of 1986

In the matter of industrial dispute under Section 1(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of
Katras Choitudih Colliery of Messrs.
Bharat Coking Coal Limited and their
workmen.

APPEARANCES:

On behalf of the workmen : Shri J. P. Singh,
Advocate.

On behalf of the employers : Shri B. Joshi,
Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 19th October, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(278)/83-D.III(A), dated, the 19th May, 1986.

"Whether the demand of Dhanbad Zila Mushar Seva Sangh that the dependant of Shri Uttim Kumar, Ex-Haulage Khalasi should be given employment by the management of Katras Chuoitudih Colliery of M/s. Bharat Coking Coal Limited is justified? If so, to what relief is the dependant of Shri Uttim Kumar entitled?"

The case of the workmen is that Shri Uttim Kumar, Haulage Khalasi was superannuated with effect from 1-1-1979 by the management of Katras Chuoitudih Colliery of M/s. B.C.C.L. vide notice of superannuation issued to him dt. 1-11-78. Shri Uttim Kumar had completed 36 years 5 months and 8 days of service in the said colliery. As per policy decision of the management and other legal provision a dependant of workmen putting in 35 years of service or more is to be given employment in the colliery or in the coal industry after his superannuation. In view of this position Shri Uttim Kumar demanded employment of his dependant son Ramkishan Kumar from the management but the management did not agree to give employment to his dependant son. The main ground for not giving employment to the dependant son of Shri Uttim Kumar was that Shri Uttim Kumar had put in less than 35 years of service on the basis of entry about his date of appointment mentioned in the management's record as 15-5-1947. Shri Uttim Kumar challenged the correctness of his date of appointment as 15-5-47 as mentioned in the management's record by showing authorisation slip dt. 23-7-1942 issued to him under the special rule of the Indian Mines Act, 1923. Shri Uttim Kumar contended that he was appointed in the colliery even prior to 23-7-42 but even if his authorisation slip dt. 23-7-42 is relied, he completed more than 36 years of service in the colliery prior to 1-1-79 and in view of this fact, his dependant son was entitled for employment. The management however, arbitrarily turned down his demand. Thereafter the union of Shri Uttim Kumar took up the matter relating to the employment of his dependant son with the management. The management started negotiation with the union on the said issue and the said dispute finds mention in the minutes of discussion between the management and the union. The Vice President of the Union representing the case of Shri Uttim Kumar pointed out to the management that the management had agreed for extending employment opportunity to the dependants of the employees in similar nature of case. The management asked the union to send details of such case which were the management did not agree the union raised the industrial dispute twice before raising the present dispute before the ALC (C), Dhanbad. But those disputes were withdrawn by the union on the request of the management to settle the same mutually. The dispute, however, was not settled by the management and thereafter the union raised the present industrial dispute before the ALC(C), Dhanbad. The management appeared before the ALC(C), Dhanbad for conciliation but finally the conciliation ended in failure and thereafter the present reference was made to this Tribunal for adjudication. It has been submitted on behalf of the union that the management

gave employment to dependents of workmen retiring after completion of 35 years of service in many cases and that the management made relaxation in some cases contrary to the policy decision of the management for giving employment to the dependents of those workmen who put in less than 35 years of service. The action of the management in denying employment to the dependent son of Shri Uttim Kumar is mala fide and discriminatory. It is prayed that the dependent son of Shri Uttim Kumar may be given employment.

The case of the management is that Shri Uttim Kumar was superannuated from 1-1-79 by notice dt. 1-11-1978 after completion of 60 years of age. Shri Uttim Kumar was appointed on 12-5-47 and had completed 31 years of service at the time of his superannuation and he was accordingly paid gratuity and other dues at the time of his retirement. Shri Uttim Kumar put full service and his family was well settled. There is no question of giving employment to any of the sons of Uttim Kumar on the consideration of any humanitarian ground. The present claim of the union for giving employment to a dependent son of Shri Uttim Kumar is without any basis. The management has not introduced any rule for employment of dependent son of retiring employee although such a clause has been introduced in NOWA-III with effects from 1-1-83 but the same has not been accepted by the management. There is no provision in NOWA-I to provide employment to a dependent son of a retiring employee at the time when Shri Uttim Kumar was superannuated on 31-12-78. In some cases employment of dependents of some of the retiring employees were given purely on human consideration, taking into account the miseries of the family on various grounds. The claim of the union for employment of the dependent son of Shri Uttim Kumar is without any basis. No public sector company coming within the definition of "State" can frame a rule of employment which is unconstitutional and no Court can recognise any right conferred under any unconstitutional rule. M/s. B.C.C.L. is covered under the definition of the word "State". As there was no basis for demanding employment of a dependent of Shri Uttim Kumar the management rejected the same. The purported authorisation dt. 23-7-42 was fabricated and false specially in view of its inconsistency with date of appointment recorded in Form B Register. Such an authorisation slip cannot indicate regular employment in the colliery. The said authorisation has been fabricated for the purposes of making an imaginary claim. The union's demand was unreasonable and as such the management could not concede the same. On the above facts it has been prayed on behalf of the management that an Award may be passed holding that the dependent son of Uttim Kumar is not entitled to any relief.

The points for consideration are whether (1) there was any policy decision of the management by which a dependent son of employee putting in more than 35 years of service is entitled for employment (2) whether Shri Uttim Kumar had retired after completing more than 35 years of service on the basis of the decision on the above points it has to be held whether the dependent son of Shri Uttim Kumar should be given employment by the management.

The workmen examined two witnesses and the management examined one witness in support of

their respective case. The documents filed on behalf of the workmen have been marked Ext. W-1 to W-8. The management did not produce any document.

It is an admitted fact that Shri Uttim Kumar ex-haulage Khalasi of Katras Chautidih Colliery of M/s. B.C.C.L. retired with effect from 1-1-79. The only question in dispute between the parties are whether Shri Uttim Kumar had completed more than 35 years of service at the time of his retirement and whether there was any policy decision or practice of the management to give employment to the dependent of a retiring employee who has completed 35 years or more service in the collieries of the management. It is admitted in the W. S. of the workmen in para-3 that the main reason for not giving employment to the dependent son of Shri Uttim Kumar was, that Shri Uttim Kumar had put in less than 35 years of service on the basis of entry about his date of appointment in the management's record as 15-5-47. It is also stated in para-5 of the W.S. that Shri Uttim Kumar had challenged the correctness of the date of his appointment as 15-5-47 as mentioned in the management's record. The workmen claim that Shri Uttim Kumar had completed more than 35 years of service on the basis of the authorisation slip Ext. W-5 dt. 23-7-42. Ex. W-5 is the authorisation under special rules under the Indian Mines Act, 1923 to show that Uttim Kumar was authorised as Pump Khalasi on 23-7-42 and that the appointment was accepted by Uttim Kumar. WW-2 is Shri Uttim Kumar the retiring employee who claims employment for his son Ram Kishan Kumar on the basis of his retirement after completing more than 35 years of service. W. W.-2 has stated that he was working in Katras Choitudih Colliery since 1934 but there is absolutely no paper in support of the fact that he was working in the colliery since 1934. He has himself stated in his cross-examination that he has no paper with him to show that he was appointed in 1934. On reference to Ext. W-5 it appears that the concerned workmen had, been authorised, to work as Pump Khalasi on 23-7-42 in Katras Choitudih Colliery. The management has not produced any such paper, as Form B Register, attendance Register or other paper of the year 1942 to show that Uttim Kumar had not worked as Pump Khalasi in Katras Choitudih Colliery. Those papers are expected to be with the management and the same cannot be expected to be with the workmen. As the management has not produced those papers and the workmen have produced Ext. W-5 to show that the concerned workman had been authorised to work as Pump Khalasi in Katras Choitudih Colliery, it appears that Shri Uttim Kumar might have started working as Pump Khalasi in the year 1942. The management had not produced the Form B Register in which the alleged date of appointment of Uttim Kumar is noted as 15-5-47 but it appears from the W.S. of the workmen that the date of appointment of Shri Uttim Kumar was noted in Form B Register as 15-5-47 and therefore Shri Uttim Kumar had challenged about the correctness of his date of appointment before the management. The workmen have not produced any paper to show that any such petition regarding the incorrect entry of the date of appointment of Shri Uttim Kumar was earlier raised before the management. It appears

therefore that the date of appointment of Shri Uttim Kumar was noted as 15-5-47 in Form B Register. No evidence has been adduced on behalf of the management to show as to when the said Form B Register had been prepared. It is well known that during the erstwhile private management no such records were properly maintained and it is quite possible that although Shri Uttim Kumar was working since the year 1942, there was no such entry in the registers of the erstwhile management and even if there was such document the same either was not handed over to BCCL after the nationalisation or that if it was handed over to BCCL the same has not been produced in this case. There is no witness examined on behalf of the management denying the claim of the workmen that Shri Uttim Kumar was working in Katras Choitudih Colliery since 1942. Considering all these aspects I hold that Shri Uttim Kumar was employed in Katras Choitudih Colliery since atleast 23-7-42. The concerned workman admittedly retired with effect from 1-1-79. Shri Uttim Kumar, therefore, appears to have completed more than 36 years of service in Katras Choitudih Colliery.

The case of the workmen is that there was a policy decision of the management by which the dependent of a workman putting in 35 years of service or more was entitled for the employment in the colliery after his superannuation. Admittedly no such policy decision has been filed on behalf of the workmen. WW-1 Shri Karu Ram, a trade Union leader had raised the dispute in respect of the present industrial dispute. He has stated that he cannot produce any written rule of the management of Katras Choitudih colliery regarding the provision for giving employment to the dependent son of the employee completing 35 years of service. The workmen have referred to the minutes of discussion held on different dates between the management and the union which has raised the present dispute. Ext. W-1 dt. 27-7-83 shows that the said union had made a demand that the dependent of Uttim Kumar ex-haulage Khalasi should be given employment as he had retired after completing more than 35 years of service. The management told the union representative to give the full details. Ext. W-2 is another minutes of discussion held on 3-5-82. Item No. 1(d) is the demand of the union regarding the fact that the dependent of Uttim Kumar should be given employment as he had completed 35 years of service. The decision was that as Shri Uttim Kumar had only put in 32 years of service as per records and had not completed 35 years of service the case cannot be considered. In Ext. W-6 which is also the note of minutes of discussion held on 22-1-82. The union had made demand that the dependent of Uttim Kumar of Katras Choitudih Colliery wants employment as he had completed more than 35 years of service. The decision in the said exhibit is that the management's representative showed its inability to accept this issue of Shri Karu Ram pointed out that there were few similar cases when the management had agreed. I have pointed out to the said minutes of discussion and its decision to show that at all those relevant times the management was objecting to the giving of employment to the depen-

dent of Uttim Kumar on the ground that he had not attained 35 years of service and in none of these discussions the management had ever raised the point that there was no such provision that the dependent of an employee retiring after completing 35 years of service is not under the rules entitled to employment. Thus these documents present a picture of the fact that there was no objection on the part of the management regarding the existence of such a provision of giving employment to the dependent of an employee retiring after completing 35 years of service and the only objection was that the dependent of Uttim Kumar cannot be given employment as Uttim Kumar had not completed 31 years of service. To add further to the case of the workmen is Ext. W-8 dt. 10-3-86 issued by the Under Secretary, Govt. of India, Ministry of Labour written to the General Manager, Katras area and the General Secretary of Dalit Mazdoor Sangh who had raised the industrial dispute. By this letter the Govt. of India had earlier refused to refer the industrial dispute in respect of one Dalu Turi on the ground that he retired on completing about 32 years of service and not above 35 years of service as claimed by the union. It is further stated in Ext. W-8 that there was some such scheme which was applicable for sometime prior to April, 1984. It has been argued on the basis of this document that although the workmen have not filed the said scheme for provision regarding giving employment to the dependent of an employee retiring after completing more than 35 years of service but there is an indication of such scheme or rule for sometime prior to April, 1984 as stated in Ext. W-8. On the consideration of the documents discussed above, it appears that there was scheme of some provision prevailing prior to April, 1984 that the dependent of an employee retiring after completing more than 35 years of service was entitled to get employment.

In view of the finding made above that Shri Uttim Kumar retired from service with effect from 1-1-79 after completing more than 35 years of service his dependent son Ram Kishun Kumar is entitled to get employment.

In the result, I hold that the demand of Dhanbad Zila Mushar Seva Sangh that the dependent of Shri Uttim Kumar, Ex-Haulage Khalasi should be given employment by the management of Katras Choitudih Colliery of M/s. Bharat Coking Coal Limited is justified. Consequently the management is directed to give employment to Ram Kishun Kumar, the dependent son of Uttim Kumar within one month from the date of publication of the Award.

dated 19-10-87.

I. N. SINHA, Presiding Officer
[No. L-20012/278/83-D. III(A)]

नई दिल्ली, 4 नवम्बर, 1987

का.आ. 3227.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टाटा आयरन एण्ड स्टील कम्पनी की जामा-दोहा कोलियरी में श्री सहाजुद्दीन एवं 30 अन्य द्वारा मैसर्स

टिस्को, 6 एवं 7 पिट्स, जामादोबा कोल्लिरी के प्रबन्धन के खिलाफ उक्त अधिनियम की धारा 33क के अधीन दायर की गई शिकायत के संबंध में केन्द्रीय सरकार अधिकरण संख्या-2, धनवाद का पंचाट जो केन्द्रीय सरकार को 20-10-87 को प्राप्त हुआ, प्रकाशित करती है।

New Delhi, the 4th November, 1987

S.O. 3227.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in respect of complaint under Section 33A of the said Act filed by Sri Sallaudin and 30 others of Tata Iron and Steel Co. Ltd., 6 & 7 Pits Jamadoba Colliery against the management of Tata Iron and Steel Co. Ltd., Post Office Jamadoba, Distt. Dhanbad, which was received by the Central Government on the 20th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Complaint No. 2 of 1986

In the matter of complaint under Section 33A of the I.D. Act, 1947.

(Arising out of Ref. No. 31 of 1986)

PARTIES :

Sri Sallaudin and 30 others of Tata Iron & Steel Co. Ltd., 6 & 7 Pits Jamadoba Colliery, C/o. B. N. Sharma, Joint General Secretary, Janta Mazdoor Sangh, Vihar Building Jharia, P.O. Jharia, Distt. Dhanbad.
...complainants

Versus

M/s. Tata Iron & Steel Co. Ltd., P.O. Jamadoba, Distt. Dhanbad through its Director of Collieries (J).

..Opp. Parties

APPEARANCES :

On behalf of the Complainants.—Shri J. P. Singh, Advocate.

On behalf of the Opp. Party.—Shri B. Joshi, Advocate.

STATE : Bihar INDUSTRY : Coal

Dated, Dhanbad, the 12th October, 1987

AWARD

This is a complaint under Section 33A of the I.D. Act filed by Sri Saluddin and 30 others of Tata Iron and Steel Co. Ltd., 6 & 7 Pits, Jamadoba colliery with a prayer that the complainants are entitled to receive full wages and other monetary benefits from the date of their termination of services till the date of reinstatement in service as the termination of the services of the complainants were an act of illegal retrenchment.

The case of the complaint is that the Secretary to the Govt. of India, Ministry of Labour, New Delhi has referred an industrial dispute by order No.

L-20012(298)85-D.III(A) dated the 19th January, 1986 to this Tribunal for adjudication and the said reference has been numbered as Ref. No. 31 of 1986 which is pending in this Tribunal in which the parties to this complainant are also parties in the said reference. In gross violation of Section 33 of the I.D. Act the management Opp. Party have arbitrarily terminated the services of the complainant with effect from 1-9-1986 and have thus victimised them. The complainant were in continuous service from 1981 and were working in permanent post. No notice of any kind was served on the complaint before terminating their services. Their services have been verbally terminated from 1-9-1986. The action of the management in the terminating the services of the complaint amount to illegal retrenchment as condition 25F of the I.D. Act has not been complied with. When the complainants reported for duty in the attendance cabin on 1-1-1986 in the morning shift, they were prevented from going underground and their attendance was not recorded. Immediately thereafter the complainant submitted a joint application addressed to the Director of Collieries of the Opp. Party with copy to other authorities. Inspite of repeated verbal and written representation, the Opp. Party refused to withdraw the order of termination of their services. The Opp. Party has taken punitive action in order to victimise the complainant out of grudge as an industrial dispute was raised by them which is pending in reference No. 31 of 1986. On the above facts it has been submitted that it may be held that the termination of the services of the complainant are an act of illegal retrenchment as well as they are entitled to receive full wages and monetary benefits from the date of termination of their services to the date of reinstatement in service.

The case of the Opp. Party is that the present application is not legally maintainable. There has been no contravention of the provision of Section 33A of the I.D. Act and the complaint petition under Section 33A of the I.D. Act is not maintainable. The complainant were temporary workmen of 6/7 Pits Jamadoba colliery as per the Award dated 15-10-84 of the Arbitrators and the Award dated 22-4-1985 of the Umpires. The complainant therefore have no right to challenge the status in the present proceeding. The complainant were employed on the construction and development jobs for a temporary period till the completion of the work undertaken in this respect. The complainants being temporary workmen and the duration of employment being for a temporary period, their services automatically ceased on completion of the temporary nature of job on which they were employed. The development and construction job was over on 31-8-1986 and the complainant's services too ceased on completion of the job as per the terms and condition of their employment. In the absence of the job on which they were employed they were offered the alternative job of permanent miner after a settlement was arrived at between the management and the union representing the complainants. Automatic stoppage of services of temporary workman on completion of the job on which they were employed does not amount to retrenchment and as such no notice of retrenchment is required to be served upon them. The complainant

are not entitled to retrenchment compensation and notice pay under the provision of the I.D. Act as they were temporary workmen and their services stood automatically ceased on completion of the temporary nature of the job in which they were employed.

The points for determination are whether (1) the termination of the services of the complainant were illegal and (2) whether the complainants are entitled to receive full wages and other monetary benefits since the date of their termination of services.

The Ref. No. 31 of 1986 and this complaint case were heard together and the parties agreed that the evidence being recorded in Ref. No. 31 of 1986 will also bear the evidence in this complaint petition.

The matter in the dispute appears to have been completely settled by an agreement between the union and the management which are contained in Ext. M-2, M-3, M-4 and M-6. I would state the facts relating to the settlement. The complainants were admittedly the members of the R.C.M.S. till 3-6-1985 which will appear from the complainant's document Ext. W-4. As the complainants were members of R.C.M.S. atleast till 3-6-1985 the union membership receipts Ext. W-11 series dt. 1-1-1985 appears to be fabricated for the purpose of this case as admittedly the complainants were the members of the R.C.M.S. at the time when the membership receipts Ext. W-11 since purported to have been issued. It is also admitted in the evidence by WW-1 that R.C.M.S. had raised industrial dispute in respect of the demand in which a settlement was arrived at. Thereafter an arbitration award was made in their respect and other workmen and some of the workmen were made permanent and thereafter Umpire also gave their Award. WW-3 has admitted that in 1986 they have been given work of a permanent miner. WW-4 also has, admitted that formerly the concerned workmen were the members of R.C.M.S. MW-1 who is the Welfare Officer of the management has stated about the facts that R.C.M.S. had previously raised an industrial dispute in respect of the demand of the concerned workman for making them permanent and that there was a settlement before the conciliation officer and in accordance with the said settlement arbitrators made arbitration award and there was some difference between the arbitrators on which matters the Umpire gave their award in accordance with the earlier settlement arrived at between the parties. He has stated that according to those award the concerned workmen were held to be temporary. He has also stated that the concerned workman (complainants) were engaged in the construction and development work of the company and their tenure of office was over as soon as the said work was completed. He has further stated that there was a settlement between the management and the R.C.M.S. union that after completion of the construction work the concerned workman were to be given employment as miner and that the said settlement has been implemented. The complainant have been offered the job of miner. The document Ext. M-6 is exactly what has transpired from the evidence of witness for parties. It will appear from Ext. M-6 that R.C.M.S. served a strike notice in the year 1983 vide Ext. M-1 87/1498 C-9.

demanding permanency of all the temporary workers of the collieries of Jamadoba and Sijua group of collieries of M/s. Tisco alongwith other demands. The discussions were held in the conciliation before the ALC(C), Dhanbad and a settlement was arrived at between the said union and the management vide Ext. M-2 dated 3-5-1983. In accordance with the said settlement those temporary workers who had put in 240 days of attendance in the surface and 190 days attendance in the underground were made permanent. The other provision of the said settlement provided that the temporary workers who were specifically and exclusively, appointed for temporary construction and development jobs were not to be made permanent irrespective of the fact that they fulfil the above attendance requirement because of the temporary nature of their job. A list of temporary construction and development workers of 6/7 Pits colliery along with others form part of the said settlement which includes names of the complainants. The identification of the temporary construction and development workers was to be jointly done by the representative of the management and he R.C.M.S. union and in case of any dispute the matter was to be referred to the jointly agreed arbitration and in case of any difference between the arbitrators the matter was to be further referred to the jointly agreed Umpires. Accordingly in terms of the said settlement discussions were held between the representative of the management and the union with regard to the identification of temporary construction and development workers and as no unanimous decision were taken by the representation the case of 67 temporary construction and development workers were referred to the arbitration of Shri R. Chawla and Shri S. Dasgupta as per the terms of the conciliation settlement. The arbitrators after hearing the parties gave an Award vide Ext. M-3 dt. 15-2-84 in which they unanimously agreed for permanency of 28 concerned workmen out of 67 whose cases were referred to them. However, there was no unanimity between the arbitrators with regard to the remaining 39 persons and so the matter was referred to the Umpires Shri R. N. Sharma and Kanti Meheta as per the terms of settlement dt. 5-5-83. The Umpires after examining the details decided (1) that the construction and development activity are separate from that of the colliery operations (2) that the dispute over the identity of the colliery expansion project as separate establishment cannot be raised when already agreed to in the conciliation settlement (3) the 39 temporary construction and development workers are not entitled for permanency. They also held that those workers on completion of the job will cease to be in employment in which they were presently engaged and they shall in the such event be entitled to receive due retrenchment benefits. According to decision of the Umpires out of the 39 workmen, 6 were made permanent with effect from 1-4-83. But the Umpires held that the complainants who were engaged in construction and development work would cease to be in employment of the company on completion of the construction and development work which was likely to be over by 31-8-86. Thus they held that the complainant shall not be in the employment after 31-8-86. It was thereafter that the R.C.M.S. 6/7 Pits Branch again had a discussion

with the management in respect of the complainant and some other temporary construction and development workers. As the union was making persistent demand that although these workmen were working temporarily in the company their cases should be considered for regularisation and thereafter the management considered for the appointment of the said workmen as miner in different collieries and a settlement was finally arrived at between the union of the management vide the settlement Ext. M-6. According to the terms and conditions of Ext. M-6 the complainants whose names appear in annexure-I of the agreement Ex.-M-6 were to be offered, employment in the establishment of the management as miner and that they would not be entitled to any benefit, monetary or employment in temporary construction and development work after they are offered the job of miner. The management will not entertain any claim in such respect in future. As the complainant's admittedly accepted the offer of the post of permanent miner in terms of the agreement Ext. M-6, they are not entitled to the retrenchment benefits as provided in clause 3 of Ext. M-4. The complainants could have claimed retrenchment only if they had not been given alternative appointment as permanent miner by the management. The complainants admittedly accepted the offer of the post of permanent miner and as such they cannot now claim the benefits of retrenchment as according to the settlement they have not been retrenched and have been given alternative job of permanent miner.

In view of the discussions made above I hold that by the subsequent settlement Ext. M-6 the services of the concerned workmen were not terminated and they were actually given alternative employment as permanent miner. Accordingly, I hold that there is no question of the illegal termination of the services of the complainant. I further hold that the complainant are not entitled to receive full wages and other monetary benefits in view of the agreement Ext. M-6.

An award is passed accordingly.

Dated 12-10-87

I. N. SINHA, Presiding Officer

[No. L-20025/6/87-D. III(A)]

P. V. SREENIVASAN, Desk Officer

नई दिल्ली, 2 नवम्बर, 1987

का० प्रा० 3228 :—मिनेमा कर्मकार और मिनेमा थियेटर कर्मकार (नियोजन का विनियमन) अधिनियम, 1981 (1981 का 50) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय, सरकार नीचे दी गई सारणी के कालम (1) में उल्लिखित बिहार सरकार के अधिकारियों को उक्त सारणी के कालम (2) में की गई संगत प्राविष्टि में विनिर्दिष्ट क्षेत्र के लिए उक्त अधिनियम के प्रयोजन हेतु संसाधन अधिकारी नियुक्त करती है :—

सारणी

अधिकारी का पदनाम	क्षेत्र
(1)	(2)
1. श्रमायुक्त, बिहार पटना	समस्त राज्य

(1)	(2)
2. संयुक्त श्रमायुक्त, बिहार (पटना)	समस्त राज्य
संयुक्त श्रमायुक्त-I को छोड़कर।	
3. उप श्रमायुक्त, पटना	पटना डिवीजन (रोहतास जिला छोड़कर)
4. उप श्रमायुक्त, राँची	राँची और पालामू जिले
5. उप श्रमायुक्त, बोकारो स्टील निटी, बोकारो	धनबाद जिला
6. उप श्रमायुक्त, जमशेदपुर	मिर्जापुर जिला
7. उप श्रमायुक्त, भागलपुर	भागलपुर जिला
8. उप श्रमायुक्त, मुजफ्फरपुर	समस्त राज्य
9. उप श्रमायुक्त, मुजफ्फरपुर	विहल डिवीजन
10. उप श्रमायुक्त, दरभंगा	दरभंगा डिवीजन
11. उप श्रमायुक्त, मधे कमीशनरी गया।	मधे और रोहतास जिला
12. उप श्रमायुक्त, कोशी मिशनरी पुणिया	कोशी डिवीजन
13. उप श्रमायुक्त, हजारीबाग	हजारीबाग और गिरिडीह जिले
14. उप श्रमायुक्त, हुमना	मधेय परगना
15. उप श्रमायुक्त, सारन, छपरा	सारन डिवीजन
16. सहायक श्रमायुक्त, पटना	पटना, भोजपुर और तापसा जिले
17. सहायक श्रमायुक्त, सासाराम	रोहतास जिला
18. सहायक श्रमायुक्त, मुजफ्फरपुर	मुजफ्फरपुर, वैशाली और साँतामरी जिले
19. सहायक श्रमायुक्त, राँची	राँची, गुमला और लोहारहागा जिले
20. सहायक श्रमायुक्त, गहरसा	सहरसा और माधेपुरा जिले
21. सहायक श्रमायुक्त, बोकारो, धरमस	हजारी बाग जिला जिसमें कोडरमा सब डिवीजन तथा गिरिडीह जिले का वर्मो सब-डिवीजन शामिल नहीं है।
22. सहायक श्रमायुक्त, धनबाद	धनबाद जिला
23. सहायक श्रमायुक्त, जमशेदपुर	मिर्जापुर जिला
24. सहायक श्रमायुक्त, सिवान	सारन डिवीजन
25. सहायक श्रमायुक्त, कटिहार	कटिहार और पुणिया जिले
26. सहायक श्रमायुक्त, दरभंगा	दरभंगा डिवीजन
27. सहायक श्रमायुक्त, गिरिडीह	गिरिडीह जिले का सबर सब-डिवीजन और हजारीबाग जिले का कोडरमा सब-डिवीजन
28. सहायक श्रमायुक्त, मुंगेर	मुंगेर और खगरिया जिले
29. सहायक श्रमायुक्त, देवघर	देवघर और हुमना जिले
30. सहायक श्रमायुक्त, साहेबगंज	साहेबगंज और गोडा जिले
31. सहायक श्रमायुक्त, मोतीहारी	ईस्ट चम्पारन और वेस्ट चम्पारन जिले
32. सहायक श्रमायुक्त, पालामू, डान्टेनगञ्ज	पालामू जिला

New Delhi, 2nd November, 1987

S.O. 3228.—In exercise of the powers conferred by section 4 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), the Central Government hereby appoints the officers of the Government of Bihar mentioned in column (1) of the Table below to be conciliation officers for the purposes of the said Act, for the area specified in the corresponding entry in column (2) of the said Table:—

TABLE

Designation of the officer	Area
(1)	(2)
1. Labour Commissioner, Bihar, Patna.	Whole of the State.
2. All Joint Labour Commissioners, Bihar Patna (Except Joint Labour Commissioner-I)	Whole of the State.
3. Deputy Labour Commissioner, Patna.	Patna Division (except Rohtas District)
4. Deputy Labour Commissioner, Ranchi.	Ranchi and Palamu Districts.
5. Deputy Labour Commissioner, Bokaro Steel City, Bokaro.	Dhanbad District.
6. Deputy Labour Commissioner, Jamshedpur.	Sinbhum District.
7. Deputy Labour Commissioner, Bhagalpur.	Bhagalpur Division.
8. Deputy Labour Commissioner, Headquarters, Patna.	Whole of the State.
9. Deputy Labour Commissioner, Muzaffarpur.	Trihut Division.
10. Deputy Labour Commissioner, Begusarai.	Darbhanga Division.
11. Deputy Labour Commissioner, Magadh Commissioner, Gaya.	Magadh Division and Rohtas District.
12. Deputy Labour Commissioner, Koshi Commissioner, Purnea.	Koshi Division.
13. Deputy Labour Commissioner, Hazaribagh.	Hazaribagh and Giridih Districts.
14. Deputy Labour Commissioner, Dumka.	Santhal Pargana.

(1)	(2)
15. Deputy Labour Commissioner, Saran, Chapra.	Saran Division.
16. Assistant Labour Commissioner, Patna.	Patna, Bhojpur and Nalanda Districts.
17. Assistant Labour Commissioner, Sasaram.	Rohtas Districts.
18. Assistant Labour Commissioner, Muzaffarpur.	Muzaffarpur. Vaishali and Sitamarhi District.
19. Assistant Labour Commissioner, Ranchi.	Ranchi, Gumla and Lohardanga Districts.
20. Assistant Labour Commissioner, Saharsa.	Saharsa and Madhepura Districts.
21. Assistant Labour Commissioner, Bokaro Thermal.	Hazaribagh District excluding, Koderma Sub-Division and Bermo Sub-Division of the District of Giridih.
22. Assistant Labour Commissioner, Dhanbad.	Dhanbad District.
23. Assistant Labour Commissioner, Jamshedpur.	Sinbhum District.
24. Assistant Labour Commissioner, Siwan.	Saran Division.
25. Assistant Labour Commissioner, Katihar.	Katihar and Purnea District.
26. Assistant Labour Commissioner, Darbhanga.	Darbhanga Division.
27. Assistant Labour Commissioner, Giridih.	Sadar Sub-Division of Giridih District and Koderma Sub-Division of Hazaribagh District.
28. Assistant Labour Commissioner, Munger.	Munger and Khagaria Districts.
29. Assistant Labour Commissioner, Deoghar.	Deoghar and Dumka Districts.
30. Assistant Labour Commissioner, Sahebganj.	Sahebganj and Godda Districts.
31. Assistant Labour Commissioner, Motihari.	East Champaran and West Champaran Districts.
32. Assistant Labour Commissioner, Palamu, Daltenganj.	Palamu District.

[No. S-61011/3/87-D. I(A) (ii)/Coord]

का० प्रा० 3229.—मिनेमा कर्मकार और मिनेमा प्रिंटर कर्मकार (नियोजन का विनियमन) अधिनियम, 1981 (1981 का 50) की धारा 2 के खण्ड (घ) के अनुसरण में केन्द्रीय सरकार, निम्नलिखित सारणी के कालम (1) में उल्लिखित बिहार सरकार के अधिकारियों को उक्त सारणी के कालम (2) में की गई संगत प्रविष्टि में विनिश्चित क्षेत्र के लिए उक्त अधिनियम के प्रथम समझम प्राधिकारी नियुक्त करती है:—

सारणी	
अधिकारी का नाम	क्षेत्र
1	2
1. संयुक्त श्रमायुक्त-I पटना	समस्त राय

[सं० एस०-61011/3/87-डी०-1(ए०) (i)/समन्वय]
ए० एस० देवाण्डे, अवर सचिव

S.O. 3229.—In pursuance of clause (d) of section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), the Central Government hereby authorises the Officer of the Government of Bihar mentioned in column (1) of the Table, to perform the functions of the Competent Authority under the said Act for the area specified in the corresponding entry in column (2) of the said Table :

TABLE	
Designation of the Officer	Area
1	2
Joint Labour Commissioner-I, Patna.	Whole of the State
[No. S. 61011/3/87-D. (A) (i)/Coord.] A.M. DESHPANDE, Under Secy.	

नई दिल्ली, 4 नवम्बर, 1987

का. आ. 3230.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व जोयरामपुर कोलियरी, लोडना क्षेत्र 10 मैस. वी.सी.सी. एल. के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-87 को प्राप्त हुआ था।

New Delhi, the 4th November, 1987

S.O. 3230.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Joyrampur Colliery of Lodna Area No. X of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 23rd October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 95 of 1985

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Joyrampur Colliery of Lodna Area No. X, M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S., Dhanbad.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 19th October, 1987.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(9)/85-D.IV(B), dated, the 29th June, 1985.

SCHEDULE

"Whether the demand of United Coal Woskens Union to place S/Shri Gopal Shaw, Dhanesh Prasad Kurmi, Girija Pada Deo and Ranglal Dusadh, Pump Operators of Joyrampur Colliery of Lodna Area No. X of M/s. BCCL, P.O. Lodna, District Dhanbad in Cat. IV is justified ? If so, to what relief they are entitled ?"

In this case both the parties made their appearance and also filed their respective W. S. Thereafter the case proceeded along with its course. Ultimately on 7th October, 1987 both the parties appeared before me and filed a Joint compromise petition. I heard the parties on the said petition of compromise and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said Joint Compromise petition which forms part of the Award as annexure.

Dated 19-10-1987.

I. N. SINHA, Presiding Officer
[No. L-24012/9/85-D.IV(B)]
R. K. GUPTA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Reference No. 95 of 1985

PARTIES :

Employers in relation to the Management of Joyrampur Colliery of Lodna Area (Area No. 10) of M/s. Bharat Coking Coal Ltd., P. O. Khas Jeenagora, District Dhanbad.

AND

Their workmen

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The above mentioned employers and workmen most respectfully beg to submit jointly as follows :—

- (1) That the employers and the workmen have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at a mutually acceptable and amicable settlement.
- (2) That as a result of such negotiations the employers and the workmen concerned have arrived at the following agreement :—
 - (a) It is agreed that S/Sri Gopal Shaw, Dhanesh Prasad Kurmi, Girija Pada Deo and Ranglal Dusadh, Pump Operators of Joyrampur Colliery of Lodna Area will be paid the wages of Cat. IV w.e.f. 1st July, 1986 and that their pay will be fixed in Cat. IV at the stage next above the stage in the pay scale of Cat. III in which they are working at present or the minimum of Cat. IV whichever is higher.
 - (b) That in addition they will continue to get the special allowance for mixing chemicals etc. in accordance with the provisions of the agreement

arrived at between the Management and the Rashtriya Colliery Mazdoor Sangh on 20th November, 1977.

- (c) It is agreed that this is an overall agreement in full and final settlement of all the claims of the workmen concerned arising out of the above dispute/reference.

- (3) That the employers and the workmen consider that the above agreement is just, fair and reasonable to both the parties.

In view of the above the employers as well as the workmen jointly pray that the Hon'ble Tribunal may be pleased to accept the above joint compromise petition and give an award in terms thereof and dispose of the reference accordingly.

Sd/-
(Gopal Shaw)
Workman concerned.

Sd/-
(Dhanesh Prasad Kurmi)
Workman concerned.

Sd/-
(Girija Pada Deo)
Workman concerned.

Sd/-
(Ranglal Dusadh)
Workman concerned.

Sd/- (Illegible)
Secretary,
Rashtriya Colliery Mazdoor Sangh
for and on behalf of workmen.
Dhanbad, dated 28-8-87.

Sd/-
(C. P. Bansal)
General Manager,
Lodna Area,
Bharat Coking Coal Ltd.

Sd/-
(S. N. Tiwary)
Agent,
Joyrampur Colliery,
Bharat Coking Coal Ltd.

Sd/-
(K. Kumar)
Personnel Manager,
Lodna Area,
Bharat Coking Coal Ltd.

Sd/-
(Bal S. Murthy)
Advocate for Employers.

